

In the Central Magistrates Court
Criminal Jurisdiction
Criminal Case number 356 of 2025



Rex

V

Francis Manegaru

*Before: Emma Garo Chief Magistrate
Ms. Martha Mutukera Public Prosecutor for Director Public Prosecutions
Mr. Wally Hatingongo Public Solicitors Office for defendant*

Date of hearing: 3rd April 2025

Date of Sentence: 14 April 2025

Sentence


1. The defendant pleaded guilty to unlawful wounding contrary to section 229 of the Penal Code. The maximum penalty for this offence is 5 years imprisonment.
2. A summary of the agreed facts are:

On 1 April 2025, the complainant was sleeping inside of the kitchen. The defendant went into the kitchen, closed the doors and started cutting the victim with a bush knife. He first cut at the victim's legs. The victim woke up and tried to defend himself. The defendant then attempted to cut the victim's belly but missed. The knife slightly scraped the victim's neck. The defendant stood at the door of the kitchen to block the victim from escaping. The defendant cut the victim's back. The defendant cut the complainant's head and then walked away. The defendant returned later armed with a cup and hit the victim's head. The defendant then took a stick and whipped the victim with it.
3. The victim attended Salesapa clinic and received medical treatment.
4. Dr. Inikalo from Tulagi Hospital attended to the victim at his home village.
5. The medical assessment by Dr. Inikalo determined that the injuries were minor and could be treated with dressing, and that there was no immediate threat to the victim's health. Dr. Inikalo did examine the victim and observed that there were other minor lacerations and bruises on the right medial leg below the calf muscle, left lateral arm, left occipital (back head), jugular notch also known as the suprasternal notch (located

at the center of the sternum between the clavicle bone), posterior (back) neck, left lateral elbow, left upper back scapular, posterior back on the right frontal head.

6. The reason given for assaulting the victim is that on two occasions the victim stole cocoa from the defendant's plantation. The defendant stated that the victim tried to kill his pigs but he did nothing. However, the defendant stated that the victim broke into his sister's house and with force indecently assaulted his niece. This was the reason he did what he did on 1 April 2025.
7. I take into account the guilty plea entered at the first opportunity. A guilty plea is a powerful plea. The guilty plea entered at the first instance reflects remorse, contrition and a willingness to take responsibility for your actions.
8. The defendant is a first offender. This is the first time his actions have come into conflict with the law. His prior good behavior is taken into account.
9. It is accepted that the reasons given for assaulting the victim are very provocative. However, the court must continue to advocate against taking the law into your own hands. The court must continue to remind the community that provocation does not exonerate criminal responsibility. The defendant could have reported the victim to the police. The use of violence to vent out one's disagreement or anger should be frowned upon. The use of violence will only breed further violence and disharmony.
10. The defendant took steps to lock the kitchen before assaulting the victim. This indicates pre-planning. The defendant assaulted the victim when the victim was a sleep. This shows the defendant had the advantage of a surprise attack on the victim. Again, this shows pre-planning. The defendant was armed with a bush knife. Bush knives are always readily available for use as a domestic tool. However, when used as a weapon, a bush knife becomes a dangerous weapon. The wounds inflicted, though minor, are multiple, indicating repeated acts of violence using the knife. The victim is the brother in-law of the defendant, married to the defendant's sister. In law and in custom, the victim and the defendant are family. As such, the issue in relation to the alleged stealing of cocoa and coconut could have been resolved within the family or if all else fail, then the victim should have been referred to the right authorities to be dealt with according law.
11. All of the aggravating factors when put and viewed together, in my view makes the offending by the defendant falls towards the more serious type of offending of this nature.
12. I am of the view that the circumstances of the offending, coupled with the aggravating features present in this case warrants the imposition of an immediate custodial sentence, both as a punitive and deterrent measure.
13. The starting point in my view should be one of two and a half years imprisonment. I increase the sentence by two years' imprisonment to reflect the aggravating features. I deduct one and half years to reflect the combined mitigating factors. I impose three years imprisonment.

Dated this 14th day of April 2025


Emma Garo
Chief Magistrate

