

IN THE HIGH COURT OF FIJI
AT LABASA
CRIMINAL JURISDICTION

Criminal Case No. HAC 33 of 2014

STATE

V

SHELVIN PRASAD

Counsel: Ms. A. Vavadakua for State
Mr. A. Paka (L.A.C.) for Accused

Date of Conviction : 20 May 2016

Date of Sentence : 20 May 2016

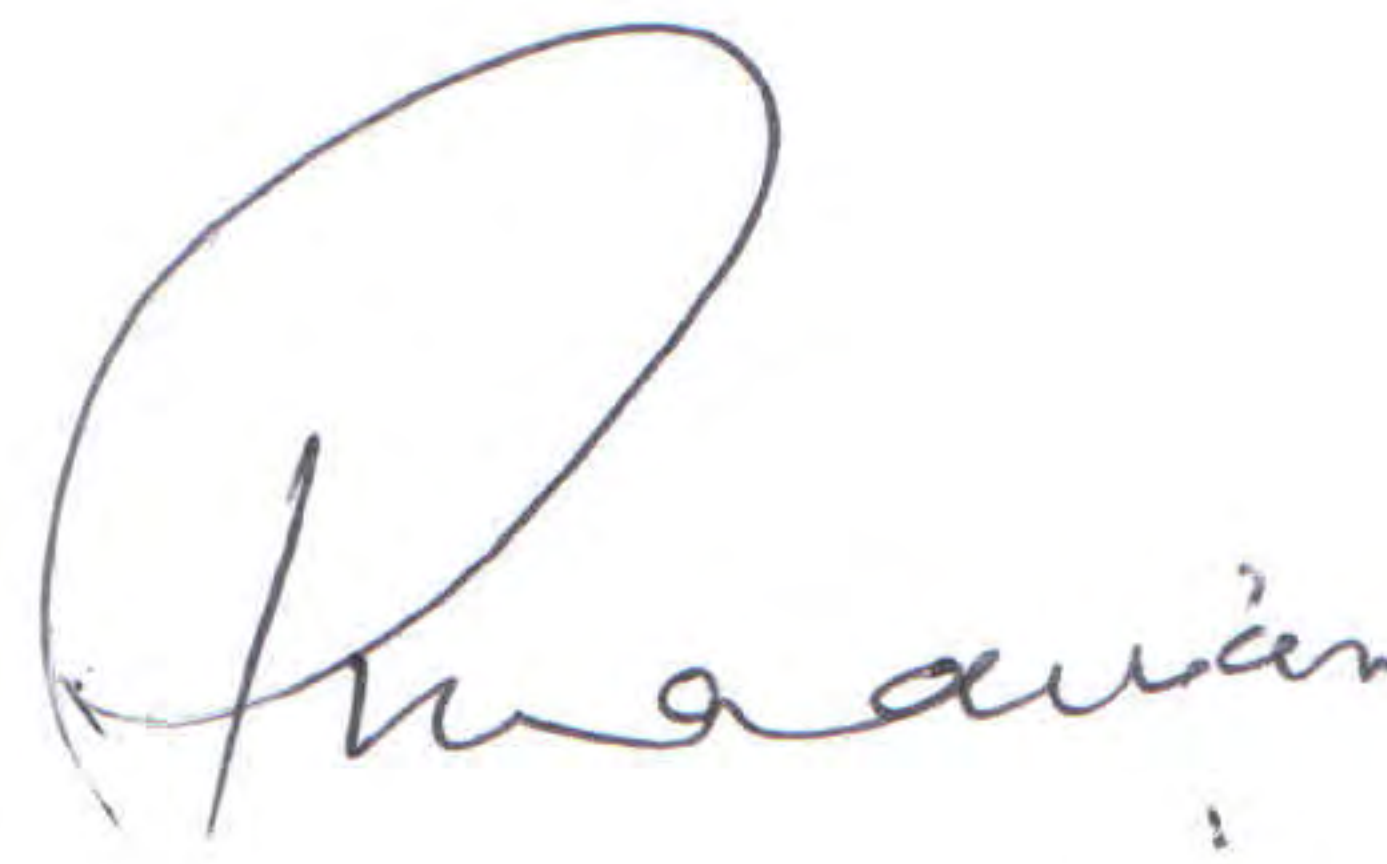
SENTENCE

- [1] The accused has been convicted after trial by this Court of assault causing actual bodily harm.
- [2] The assault was a punch to the face of a woman who was drinking with the accused in a Labasa Hotel room on the night

of 20 March 2014. It occurred after the accused had attempted sexual activity with the woman who then pushed him away. To that extent he cannot be the beneficiary of any provocation.

- [3] The medical evidence revealed that the lady victim had a left black eye and slight swelling to the left cheek. The skin was not broken nor the injuries permanent.
- [4] The accused is 26 years old and single. He lives with his parents who are both in bad health and he provides for their medical needs. He lost a brother in a tragic accident when he fell from a height.
- [5] He works as a machinist in the Joinery department of a large respected Labasa company and his supervisor attested in mitigation that he is a valued and responsible employee.
- [6] He is a first offender.
- [7] Counsel for the State concedes that there are no permanent injuries to the victim and that there are no substantial aggravating features.
- [8] The maximum penalty for this offence is 5 years imprisonment and the tariff is a term of imprisonment suspended for less serious offences to a term of 9 months imprisonment for more serious cases, (**Jonetani Sereka** HAA27.2008 per Goundar J).
- [9] In mitigating favour this accused can rely on:
 - (1) his clear record
 - (2) his relative youth, and
 - (3) his responsible attitude to his family and employer.

- [10] There was a lack of serious injury to the victim.
- [11] In consideration of that mitigation I sentence the accused to 6 months' imprisonment, suspended for 12 months.
- [12] The important of a suspended sentence is explained to the accused.



P. K. Madigan
Judge

At Labasa
20 May 2016

