

IN THE HIGH COURT OF FIJI

AT SUVA

CRIMINAL JURISDICTION

LAUTOKA CRIMINAL CASE NO. HAC 124 OF 2015L

STATE

Vs

HEM RABNEET SINGH

Counsels : Mr. T. Qalinauci and Ms. L. Bogitini for State
Mr. A. Qetaki and Mr. K. Chang for Accused

Hearings : 8 and 13 March, 2018

Sentence : 14 March, 2018

SENTENCE

1. On 8 March 2018, in the presence of your counsel, you pleaded guilty to the following counts in the following information:

First Count

Statement of Offence

MURDER: Contrary to section 237 of the Crime Act of 2009

Particulars of Offence

HEM RABNEET SINGH on the 1st of July 2015 at Sigatoka in the Western Division murdered **SHALESNI LATA**

Second Count

Statement of Offence

GIVING FALSE INFORMATION TO A PUBLIC SERVANT: Contrary to section 201 (a) of the Crime Act of 2009.

Particulars of Offence

HEM RABNEET SINGH on the 1st of July 2015 at Sigatoka in the Western Division gave false information to Detective Constable No. 3886 Ashwin Chand, a public servant, which he knew to be false.

2. Prior to pleading guilty, your counsel, on your behalf, indicated to the court that you wanted to plead guilty to the above information, after being fully advised by them. Your counsel said, that you were doing the above voluntarily and out of your own free will. Your counsel permitted the court to check directly with you. The court did the above, and after checking with you, confirmed that you were pleading guilty voluntarily and out of your own free will. You said, no-one pressured you or forced you to plead guilty to the information.
3. The prosecution then read their summary of facts to court. Briefly, they were as follows. On 1 July 2015, you were 30 years old. Your wife, the deceased, was 29 years old. You two were married in 2005, when you were 20 years old, and she was 19 years old. You reached class 5 education. In the course of your marriage, you two had three young children. You earn your living by being a vegetable farmer. You and your family resided at Tagitagi, Cuvu, Sigatoka.
4. On the morning of 1 July 2015, you and your wife (deceased) woke up at 6.30 am. You had tea and went to your vegetable farm. Your wife prepared your children for school, and they left at 7 am. You ploughed the land at your vegetable farm from 8 am to 10.30 am and then went home. Your wife served you breakfast and later you rested. Later, you milked the cows and at 1.20 pm, you left for your farm again. Before that, your wife asked you to assist her plant some pumpkin. You later met her at the farm to plant the pumpkin.
5. An argument erupted between the two of you at the pumpkin farm. You took a "nokonoko" stick (Prosecution Exhibit No. 5) and hit the top of her head. She fell to the ground. You then hit her right chest. Your assaults were quite forceful and it appeared she became very weak. You lifted her onto your horse's back. Then you rode your horse, and took her to Semo hill, which was a 40 minutes ride through Tagitagi Road, the Queens Road and onto Semo Hill. At Tagitagi Road, she fell on the road. You lifted her to the horse again. At Semo Hill, you then pushed her from the horse's back. She hit the ground head first. You got off the horse. Then you struck your wife's forehead with the stick again. You then hit her on the chest again. Then you dragged her body and left her among the tall grasses at Semo Hill.
6. You returned home at 2.30 pm. When your children returned from school, they told you their mother was not at home. Then you pretended that she was missing, knowing very well that

you had killed her. At 7 pm, you lied to police that your wife was missing. You also lied to your family and friends that your wife was missing. The police investigated the matter. You were interviewed by police on 9, 10, 11, 12 and 13 July 2015 (5 days). During the interview, you admitted killing your wife by hitting her repeatedly with a "nokonoko" stick. A post mortem done on your wife's body on 10 July 2015. According to the post-mortem report (Prosecution Exhibit No. 4), she died as a result of multiple skull fractures and severe traumatic head injuries caused by blunt force trauma. You were taken to the Sigatoka Magistrate Court on 14 July 2015 charged with murdering your wife and giving false information to police.

7. The court then checked with you, through your counsel, on whether or not you are agreeing to the prosecution's summary of facts, and whether or not, you are admitting all the elements of the offences of "murder" and "giving false information to a police officer". Through your counsel, you admitted repeatedly hitting your wife on the head, forehead and chest with a "nokonoko" stick (Prosecution Exhibit No. 5) (conduct); and the above conduct caused serious head injuries to your wife, leading to her death (conduct causes the death of the deceased). Through your counsel, you admitted that when you did the above conduct, you intended to cause your wife's death (count no. 1). On count no. 2, through your counsel, you admitted giving the police false information on the disappearance of your wife. On the basis of the above admissions, I found you guilty as charged on count no. 1 and 2, and convicted you accordingly on those counts.
8. The matter was then adjourned to 13 March 2018, to enable your counsel to prepare your plea in mitigation, and for the parties to prepare their sentence submissions. I have noted that you are a first offender. I have noted your antecedent history. I have also noted your well prepared written plea in mitigation.
9. There is only one sentence for murder and that is a mandatory life imprisonment (section 237 of the Crimes Act 2009). The law gives the court power to fix a minimum term to be served before a pardon may be considered by His Excellency the President of the Republic of Fiji (section 119 of the 2013 Constitution of the Republic of Fiji).
10. As I had said before in various murder cases, life is precious in this world. There really is no justification to take away someone's life, unless it was a case of self-defence. Shaleshni Lata was your wife. At the age of 19 years, she choose to spend the next 10 years of her life with

you. She gave you three children. She looked after you in the domestic arena. There was absolutely no need to take away her life at the age of 29 years old. By having three children with her, it showed there was a lot of love in your relationship with her. Couples do argue, and at times, arguments can become heated. But it was totally unjustified to use murder as a remedy. In this case, you have chosen murder as a remedy to your argument with your wife, and you must not complain to pay the penalty for the same, by losing your liberty for life.

11. You are a first offender. Obviously, you had worked hard as a farmer. You had looked after your family well until the date of the incident. You pleaded guilty when the case was set for trial on 8 March 2018. This was approximately 2 years 7 months 4 days after first call at the Lautoka High Court. I note you are remorseful and you have pleaded guilty as a result. You have also saved, to some extent, the court's time. Married people must learn to use the Family Courts to resolve matrimonial disputes, and not take the law into their hands by committing murder.
12. For the offence of "murder", there is only one mandatory sentence and that's life imprisonment. I therefore sentence you to the mandatory life imprisonment. Given the matters I mentioned above, I set 17 years as the minimum term to be served before a pardon may be considered (count no. 1). For count no. 2, I sentence you to 12 months imprisonment.
13. In summary, Mr. Hem Rabneet Singh, for murdering Ms. Shaleshni Lata on 1 July 2015 at Sigatoka in the Western Division, I sentence you to the mandatory life imprisonment, with a minimum term of 17 years imprisonment to be served before a pardon may be considered by His Excellency the President of the Republic of Fiji (count no. 1). The sentence of 12 months imprisonment for count no. 2 is made concurrent to the life sentence.
14. You have 30 days to appeal to the Court of Appeal.




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JUDGE

Solicitor for State : **Office of the Director of Public Prosecution, Suva.**
Solicitor for Accused : **Legal Aid Commission, Suva.**