

IN THE HIGH COURT OF FIJI

AT SUVA

CRIMINAL JURISDICTION

LAUTOKA CRIMINAL CASE NO. HAC 091 OF 2015L

STATE

Vs

VENKTESH PERMAL GOUNDAR

Counsels : Mr. Y Prasad and Ms. S. Kiran for State
Mr. M. A. Khan for Accused

Hearings : 19, 20 and 21 March, 2018

Summing Up : 22 March, 2018

Judgment : 22 March, 2018

Sentence : 20 April, 2018

SENTENCE

1. In a judgment delivered on 22 March 2018, the court found you guilty and convicted you on the following information:

Statement of Offence

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

Particulars of Offence

VENKTESH PERMAL GOUNDAR on the 4th day of April 2015 at Lautoka in the Western Division murdered **SHERAL SANDHYA**

2. The facts were as follows: On the day of the incident, that is, 4 April 2015, you were 32 years old and married to the deceased. The deceased was then aged 25 years old. The two of you

had been married for the previous nine years, and had three young children, aged eight years, four years and one and half years. You worked as a joiner for "Mahogany Industries", while your wife worked at "Bargain Box Shop" at Lautoka. Both of you resided at Raviravi, Ba.

3. Prior to the incident, you were experiencing matrimonial difficulties with your wife. You two were living separately and your wife was having a relationship with another man, a police officer. She had shifted to Lautoka, and she had taken out a "Domestic Violence Restraining Order" (DVRO) against you. The custody of your children was shared among the two of you. You were aggrieved by the above state of affairs. You felt you had done a lot for your family and you felt your wife had broken up the family by "cheating" on you.
4. You then planned to end your wife's life. You bought some paint thinner and a gas lighter from Lautoka. On 4 April 2015, you met your wife at "Bargain Box Shop" at Lautoka to exchange the custody of a child. You later rub the paint thinner on her body and set her alight. She suffered 35% burnt to her body. She was rushed to Lautoka Hospital for medical attention. She died 10 days later as a result of her burn injuries and the effect thereof. You were later tried and convicted of her murder.
5. 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).
6. Sheral Sandhya married you when she was 16 years old. You were 23 years old at the time. You were married for 9 years. You and her brought three young children to this world. You obviously loved one another. Yes, problems crept into your matrimonial life. Prior to the incident, you two were living separately. Your wife had decided to share a relationship with another person. You couldn't accept that, so you planned to kill her and in fact killed her. There was no need to do that. There were several options available to you to choose from, but instead you choose murder. You must therefore not complain when your liberty is taken away for life to pay for your crime.

7. You are 37 years old. This is your first offence. You have three young children. You obviously worked hard to raise your family. You now saying you are remorseful. But your wife had lost her life.
8. I sentence you to the mandatory life imprisonment. Given the matters mentioned above, I set 18 years as the minimum term to be served before a pardon may be considered by His Excellency the President of the Republic of Fiji.
9. You have 30 days to appeal to the Court of Appeal.




Salesi Temo
JUDGE

Solicitor for State : **Office of the Director of Public Prosecution, Lautoka.**
Solicitor for Accused : **Mr. M. A. Khan, Barrister and Solicitor, Suva.**