

IN THE HIGH COURT OF FIJI
AT SUVA
[CRIMINAL JURISDICTION]

Criminal Case No.: HAC 029 of 2020

BETWEEN : STATE

AND : RAJNESH PAL

Counsel : Ms W Elo for the State
Accused in Person

Date of Hearing : 19 February 2020

Date of Sentence : 25 February 2020

SENTENCE

- [1] The offender is charged with an act with intent to cause grievous harm. It is alleged that the offender on 22 December 2019 with intent to cause grievous harm unlawfully wounded his partner by stabbing her with a knife. The offender waived his right to counsel and pleaded guilty to the charge at the first opportunity.
- [2] The facts are that the victim was in a defacto relationship with the offender. She was 26 years old. He was 44 years old. They resided in Nakasi. On the day of the incident the victim was at a relative's home drinking. The offender arrived at the relative's home without notice in a taxi with a knife and stabbed the victim once on the back of left limb. He fled the scene after stabbing the victim. The victim sustained a 4-cm laceration on her left posterior flank.

- [3] The offender was arrested. He admitted to stabbing the victim. His excuse was that one of the victim's relatives swore at him over the phone.
- [4] The offender has a total of 19 previous convictions since 1993. His last conviction was for assault occasioning actual bodily harm in 2013. Very little weight can be given to the offender's character as a mitigating factor due to his appalling criminal record. The offender does not have any fixed employment but survives on rental income from his properties.
- [5] The only mitigating factor is the offender's early guilty plea consistent with his admission to police. He says he is genuinely remorseful for his action. He is entitled for credit for his remorse and for saving court's time and resources. I give a discount of one-third for his early guilty plea.
- [6] The victim was not seriously injured. The injury sustained was a laceration. The injury did not require hospitalization.
- [7] However, a weapon was used to inflict injury and the offence was premeditated. By using violence on his partner he breached her trust. These are aggravating factors.
- [8] The offence is objectively serious. The maximum penalty is life imprisonment. The tariff for this offence is between 6 months imprisonment to 5 years imprisonment, and in cases where a weapon is used, the starting point should range from 2 years imprisonment to 5 years, depending on the nature of the weapon used and the injury caused. (*State v Mokubula* [2003] FJHC 164; HAA0052J.2003S (23 December 2003)).
- [9] When violence occur in a domestic relationship the courts duty is to punish the offender, denounce the conduct and deter others. The sentence imposed must reflect the community's disapproval of family violence.
- [10] Remand period is about two months.

[11] Taking all these matters into account I convict the offender and sentence him to 12 months' imprisonment. There is no special circumstance to suspend the sentence.



A handwritten signature in blue ink, consisting of stylized initials and a long horizontal stroke.

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Hon. Mr Justice Daniel Goundar

Solicitors:

Office of the Director of Public Prosecutions for the State

Accused in Person