

IN THE HIGH COURT OF FIJI
AT LABASA
CRIMINAL JURISDICTION

Criminal Case No. HAC 80 of 2020

BETWEEN : **THE STATE**

AND : **AMENA TAVEYAGONA**

Counsel : Ms. Lomaloma, M for the State
: Ms. Mataika, P for the Accused

Date of Trial : 15-16 August 2022

Date of Judgment: 18 August 2022


Date of Sentence : 19 August 2022

SENTENCE

1. Following a trial, the offender was acquitted of two counts of rape and convicted of a count of common assault contrary to section 274 of the Crimes Act 2009.
2. The facts of the common assault offending are that the offender found out that the victim was on Facebook and, angered by this, slapped her on the cheek. The Complainant complained to her mother and was told to report the matter to the Police.
3. The maximum penalty for common assault is one year imprisonment. There is no set tariff and the sentence is at the discretion of the sentencing Court.
4. In exercising this discretion, I consider the objective seriousness of the offence as well as the nature of the offending.
5. Common assault is at the lower end of the list of assault offences in terms of seriousness.

6. The victim was the offender's 16 year old step-daughter. This was therefore a domestic violence offending, which is an aggravating factor.
7. The offender slapped the victim on the cheek for going on Facebook though her mother had given her permission to do so. The slap was bad tempered and unjustified.
8. The offender is 58 years old. He has 2 previous convictions and is not entitled to a discount for good character. There are no mitigating factors in his favour.
9. Taking all of the above into account, the offender is sentenced to 2 months imprisonment.
10. He has been in remand for just over 11 months. This is period is taken as sentence already served. He is released forthwith.
11. The interim domestic violence restraining order with standard non molestation conditions is made permanent.




Stainiu F. Bull
Acting Puisne Judge

Solicitors:

Office of the Director of Public Prosecutions for the State
Legal Aid Commission for the Accused