

**IN THE HIGH COURT OF FIJI**  
**AT LAUTOKA**  
**CRIMINAL JURISDICTION**

**CRIMINAL CASE NO. HAC 183 OF 2023**

**STATE**

**-v-**

**WASEA TURAGADRAU**

Counsel : Ms R Uce for State  
: Ms L. Volau & Mr Shayal Nand for Defence

Date of Judgment : 21 May 2025

Date of Sentence : 29 May 2025

**SENTENCE**

1. Mr Waisea Turagadrua, you stand convicted after trial of one count of Murder on the following information filed by the Director of Public Prosecutions:

*Statement of Offence*

**MURDER:** Contrary to Section 237 of the Crimes Act 2009.

*Particulars of the Offence*

**Waisea Turagadrua** on the 29<sup>th</sup> day of October, 2023 at Nadi in the Western Division murdered **Kelera Sivo**.

2. You now stand before this Court to be sentenced. I considered the helpful mitigation submissions filed by your counsel for which this Court is grateful.
3. The deceased is your wife and a mother of six children. You suspected that she was having an affair with another man when she was dropped off at night after work. You got angry and punched her face and ribs whilst she was still inside the house. When she ran outside, you followed her and hit the back of her head with a steel rod. When she fell, you kicked her probably 10 times and punched her mouth. When she tried to stand up, you hit her with a coconut stem. You also hit her stomach with a cane knife. You asked your son: *should I burn your mother or not?* She succumbed to her injuries because you failed to take her to hospital without delay. The pathologist who conducted the autopsy found multiple injuries all over her body.
4. The penalty for murder is mandatory life imprisonment. The Court has discretion to set a minimum term that you must serve before a pardon may be considered by the President on the recommendation of the Mercy Commission<sup>1</sup>.
5. I should first consider whether you should serve a minimum term. If I find that you should serve a minimum term, I will then consider the length of the minimum term that you should serve before a pardon may be considered<sup>2</sup>. In the exercise of discretion in this regard, I am guided by the guidelines set by the Court of Appeal in *Vuniwai v State*<sup>3</sup> to decide whether to set a minimum term and the length of the minimum term.
6. The murder you committed is clearly intentional and motivational. However, there is no evidence that it is premeditated. It involved extreme violence and affected your young children. However, an early release during your lifetime will have comparatively less concern for the society as the offence occurred in a domestic setting.

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<sup>1</sup> *Aziz v The State* [2015] FJCA 91; AAU112.2011 (13 July 2015)

<sup>2</sup> *Balekivuya v The State* [2016] FJCA 16; AAU0081.2011 (26 February 2016)

<sup>3</sup> [2024] FJCA 100; AAU176.2019 (30 May 2024)

7. You had maintained a clear record with nil previous convictions over 40 years of your life. You are comparatively young. The Court must not shut the door for rehabilitation even though Murder is a serious offence<sup>4</sup> particularly for the benefit of your children. I take the view that you should serve a minimum term.
8. I considered the factors outlined in *Vuniwai* to decide the length of the minimum period and used the following table to set the minimum term.

Categories of Seriousness

Extremely High	
Starting point	25 years' imprisonment
Minimum term range	20 – 30 years' imprisonment
High	
Starting point	20 years' imprisonment
Minimum term range	15 – 25 years' imprisonment
Low	
Starting point	8 years' imprisonment
Minimum term range	05 – 15 years' imprisonment

9. In view that the murder was committed in a domestic setting, I would identify the murder you committed in the 'high' category, attracting a starting point for a minimum term of 20 years imprisonment and a sentence within the range of 15-25 years' imprisonment.
10. Having picked the range for the minimum term, I proceed to identify the aggravating and mitigating factors. You repeatedly engaged in violent behaviour towards the victim in a controlling or coercive manner in a domestic setting in which you and the victim were personally connected. You inflicted mental and physical suffering on the victim before death. You abused your position of trust as the husband. You sustained excessive violence towards the victim. Your action caused substantial harm and damage to the family. You committed

<sup>4</sup> State v Naivalu [2012] FJHC 195

this offence in full view of a young child totally disregarding the psychological trauma that the child would suffer.

11. It is mitigating that you did not pre-plan the offence. Your Counsel submitted that you are 41 years of age and a father of six children. You are the sole breadwinner of your family. You have no previous convictions and you have maintained a good character thus far. You cooperated with the police at the interview and the investigations. You seek mercy of this Court.
12. You have been in remand ever since you were produced in court on 1 November 2023 for a period of 19 months. Following Vuniwai guidelines and Section 24 of the Sentencing and Penalties Act, I shall, in determining the minimum term, have regard to the remand period as a period of imprisonment already served by you.

Summary

13. **Mr Waisea Turagadrua, you are sentenced to a mandatory sentence of imprisonment for life.** Taking into consideration all the facts and circumstances I have referred to above, including your personal circumstances, history and the remand period, **I set a minimum term of 16 years to be served before a pardon may be considered.**
14. You have 30 days to appeal to the Court of Appeal if you so wish.

  
Aruna Anthge  
Judge



29 May 2025

At Lautoka

Solicitors:

Director of Public Prosecutions for State

Legal Aid Commission for Defence