

**IN THE HIGH COURT OF FIJI**

**AT LABASA**

**CRIMINAL JURISDICTION**

**Criminal Case No. HAC 40 of 2025**

**THE STATE**

**-v-**

**RUSIATE BOKOSA**

**Counsel: Ms. E. Thaggard for the State  
Ms. S. Devi for the accused**

**Sentencing Hearing: 1 August 2025**

**Date of Sentence: 15 August 2025**

**SENTENCE**

1. On 1 August 2025, Mr. R. Bokosa (the offender) was convicted on his own plea of guilty to a single count of act with intent to cause grievous harm, contrary to section 255(a) of the Crimes Act 2009.
2. The offender agreed a summary of facts revealing that, on Saturday 5 April 2025, at around 10am, at Tacilevu village, he approached the complainant, Mr. Matavesi Tuikilakila ("Matavesi") and started questioning him: "*Where is the money*". The offender then punched Matavesi and stabbed his left thigh with a kitchen knife, causing a 2cm deep penetrating wound, which bled profusely.
3. The offender was arrested and interviewed under caution. He confessed to taking a kitchen knife to the scene and stabbing Matavesi. He explained that he was in a drinking party with Matavesi and several others on Friday 4 April 2025. He spent \$500.00 on cans of Wild Bull for the party and, when the drinks were finished, he went home. Before sleeping, he counted the money his father had given him, totalling \$1,245.00. This was his father's tithe of \$455.00, and

\$790.00 to purchase copra for their business. The money was kept in a black pencil case in his pocket. He awoke in the afternoon and saw Matavesi holding the black pencil case. The offender grabbed the pencil case and threatened to chop Matavesi with a knife if the money was missing.

4. When he counted the money, he discovered that his father's tithe was missing, and only \$232.00 of the business money was left. The offender went looking for Matavesi the following morning, and found him at Rabitu's house. He was really angry and could not control his anger at that time.

#### **Prosecution Sentencing Submissions**

5. Citing a number of decided cases, the prosecution submits that, given that the offender used a knife to inflict serious harm, the Court should adopt a sentencing range of 2 to 5 years' imprisonment.
6. The prosecution submits that the offending in this case is made more serious by the fact that it involved a degree of premeditation. The offender carried a knife to the scene. Also, the injury suffered by Matavesi was serious.
7. The prosecution further submits that family circumstances and reconciliation have little mitigating value, and conclude that condign punishment must be imposed on the offender.

#### **Defence Sentencing Submissions**

8. Ms. Devi has made helpful written and oral submissions for which the Court is grateful.
9. The offender is a young single man aged 22 years. He was raised by his father after his mother passed away when he was very young. He cooperated with the police investigation and pleaded guilty at an early stage. He has no criminal record.
10. Ms. Devi submits that he was provoked by the complainant, who stole hard-earned tithe money, which caused the offender to lose his self-control. Also, Matavesi has forgiven the offender.
11. Matavesi attended the sentencing hearing and confirmed that he has, indeed, forgiven the offender. He also informed the Court that he has not suffered any

long-term consequences of the stabbing. He said that he did not steal the offender's money.


12. Whilst acknowledging that the accepted sentencing range in this type of case is 2 to 5 years' imprisonment, Ms. Devi urges the Court to consider suspending the appropriate sentence wholly or partially. She cites two fairly recent similar cases in which sentences of imprisonment were partially suspended.

### **Discussion and disposal**

13. Inflicting grievous harm with intent is a serious offence, which is reflected in the maximum sentence of life imprisonment. Even more so when injuries are inflicted with a deadly weapon.
14. Stabbing offences will almost inevitably attract immediate custodial sentences. Sentencing courts must send a strong message that those who commit knife crime can expect condign punishment.
15. In my judgement, only a sentence of imprisonment would meet the objectives of sentencing set out in the Sentencing and Penalties Act 2009.
16. **Rusiate**, in deciding upon the appropriate length of your sentence, I have attached considerable weight to your youth. I consider that a lack of maturity played a significant part in your poor decision making and inability to control your emotions when you felt that you had been wronged by Matavesi.
17. I take 2 years' imprisonment as the appropriate starting point for your offending against Matavesi. Leaving aside credit for your early guilty plea, in my view, your mitigating factors outweigh the aggravating factors, and warrant a downward adjustment of 1 year.
18. Were I sentencing you after a trial, the appropriate sentence would be 12 months' imprisonment. However, by pleading guilty at an early stage, you have saved the Court's time and resources. I, therefore, reduce your sentence by one-third.
19. You are sentenced to 8 months' imprisonment.
20. You have spent about 3 ½ months on remand, which I round up to 4 months. This period is regarded as time you have already served.

21. The balance of your sentence you must serve is, therefore, 4 months' imprisonment.
22. I have decided that your early acceptance of responsibility for your wrongdoing bodes well for your rehabilitation. I am satisfied that suspension of the balance of your sentence is appropriate.
23. My impression of you is that you are a dutiful son and a decent young man. You are not a hardened criminal, and I feel sure that you have no wish to repeat the experience of your period in custody on remand. You must learn from this experience and never again lose control of your emotions. The consequences of your loss of control in stabbing Matavesi could have been very much worse.
24. For the reasons that I have explained, I sentence you to 4 months' imprisonment suspended for 3 years.
25. In the event that, during the next 3 years, you commit another offence punishable by imprisonment, and are charged under section 28 of the Sentencing and Penalties Act 2009, if convicted, the court may impose a fine, and must restore the sentence that I have imposed today unless exceptional circumstances make that unjust.
26. 30 days to appeal to the Court of Appeal.



  
.....  
Hon. Mr. Justice Burney

**At Labasa**  
**15 August 2025**

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