

IN THE HIGH COURT OF FIJI

AT SUVA

CRIMINAL JURISDICTION

CRIMINAL CASE NO: HAC 160 OF 2025

BETWEEN : STATE

AND : PAULIASI SUKA NAI

Date of Hearing : 12 September 2025

Date of Sentence : 12 September 2025

Counsel : Mr J Singh for the State
Mr T Varinava for the Accused

SENTENCING REMARKS

Introduction

[1] Pauliasi Suka Nai, you appear before this Court for sentencing following your guilty plea to one count of Rape involving a child under the age of 13. This offence is among the most serious under the Crimes Act and carries a maximum penalty of life imprisonment.

Summary of Offending

[2] The incident occurred on the island of Lakeba in Lau. Between 1st and 31st December 2024, you called your 9-year-old granddaughter, the victim, into your home, led her into your bedroom, placed her on your bed, and penetrated her vagina with your tongue. You later disclosed this act to a neighbour. You were arrested and interviewed by police on 30 May 2025, during which you admitted to the offence. You are 67 years old, a subsistence farmer, and divorced.

Aggravating Factors

[3] The aggravating features of this case are grave and numerous:

- *Victim's age and age gap:* The complainant was only 9 years old — a child of extreme vulnerability. The 58-year age gap between you and her further heightened her vulnerability.
- *Breach of trust:* You were her grandfather, entrusted with her care and protection.
- *Premeditation:* You lured her into your bedroom, indicating a degree of planning.
- *Disclosure to neighbour:* Your casual admission to a third party reflects a disturbing lack of remorse at the time.
- *Psychological harm and prevalence:* Offences of this nature often cause lasting trauma to child victims. Sexual abuse of children remains prevalent in the community.

Mitigating Factors

[4] The Court has considered the following mitigating factors:

- *Guilty plea:* You pleaded guilty, sparing the victim the trauma of testifying and saving court time and resources. The Court attaches utilitarian value to your plea.
- *First offender:* You have no prior convictions and were previously of good character.
- *Expression of remorse:* You have sought the forgiveness of the Court.

Your age and personal circumstances carry limited mitigating weight.

Legal Principles and Tariff

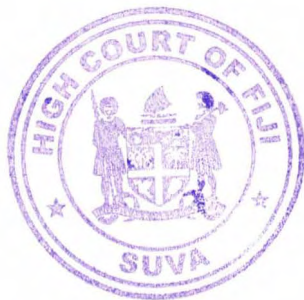
[5] In *Aitcheson v State* [2018] FJSC 29, the Supreme Court established a sentencing tariff for child rape ranging from 11 to 20 years' imprisonment, depending on the

circumstances. The principles of sentencing, proportionality, deterrence, denunciation, and protection of the public must guide this Court.

- [6] This Court must send a clear message that offences of this nature, particularly those involving children and committed by trusted family members, will be met with the full force of the law. The protection of children is paramount. While the court has taken into account your age and guilty plea, the seriousness of your conduct requires a sentence that reflects both the gravity of the offence and society's strong condemnation.

Sentence

- [7] The Court adopts 11 years' imprisonment as the starting point, adds 5 years for the aggravating factors, and deducts 4 years for the mitigating factors and 3 ½ months for time spent in remand.
- [8] You are sentenced to 12 years' imprisonment. You will be eligible for parole after serving 9 years.
- [9] You are now committed to prison to serve your sentence.
- [10] The Domestic Violence Restraining Order, with non-contact and non-molestation conditions, is made permanent.



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Hon Mr Justice Daniel Goundar

Solicitors:

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