

IN THE HIGH COURT OF FIJI
AT SUVA
CRIMINAL JURISDICTION

CRIMINAL CASE NO. HAC 334 OF 2023

STATE

vs

JONI FINAU

Counsel: Ms. U. Ratukalou & Ms. M. Mataika for State
Mr. W. Navuni for Accused.

Date of Hearing: 13th & 14th October 2025

Date of Closing Submission: 17th October 2025

Date of Judgment: 15th January 2026

Date of Sentence: 30th January 2026

SENTENCE

1. On the 15th of January 2026, this Court found you guilty of one count of Rape, contrary to Section 207 (1) and (2) (b) of the Crimes Act, which carries a maximum sentence of life imprisonment.
2. It was proved that you sexually assaulted the Complainant by penetrating her vagina with your fingers without her consent when she went to you for a scan required by her doctor at Vunisea Hospital, Kadavu, on 25 October 2023.

3. Rape is one of the most humiliating and distressing crimes. It violates a person's physical integrity and destroys a person's personal dignity and self-autonomy. Therefore, rape is a serious offence.
4. The primary purpose of this sentence is grounded in the principle of deterrence. It is the responsibility of the Court to deter offenders or other persons from committing offences of the same or similar nature and to protect the Community from offenders of this nature.
5. The tariff for the offence of Rape involving an adult victim range from seven (07) to fifteen (15) years' imprisonment.
6. The Victim Impact Report states this crime has adversely affected the Complainant emotionally and psychologically. According to the Victim Impact Report, this crime has shattered her self-confidence. Therefore, the level of harm in this offence is significantly high.
7. You committed this sexual assault when the Complainant came to you for a medical procedure requested by her doctor to determine whether she was pregnant following an incident of sexual assault and abduction. Instead of assisting her in properly carrying out the requested medical procedure, you exploited the opportunity to satisfy your disgraceful sexual desire by sexually assaulting her. I therefore find the level of culpability in this offence is high.
8. Considering the severity of this offence, the purpose of the sentence, the level of harm, and the level of culpability, I select eight (08) years as the starting point.
9. By committing this offence, you not only breached the trust of the Complainant, who came to you for a medical procedure, but also the health service that placed trust in you by assigning you such a valuable and important task as a radiographer. I find these to be aggravating factors of this offence.

10. The Learned Counsel for the Defence submitted your personal and family background in his mitigation submissions, which I do not find to be of any mitigatory value.
11. You are a first offender. There is no suggestion that you have significantly contributed to the community or have any reputation in the community, as per Section 5 of the Sentencing and Penalties Act. Therefore, I do not find any substantial mitigatory value in your previous character.
12. In view of the reasons discussed above, I increased the sentence by two (2) years to reach ten (10) years. Because of your previous character and age, I reduced one (01) year. Accordingly, your final sentence is nine (09) years' imprisonment.
13. Having considered the seriousness of this crime, the purpose of this sentence, and opportunities for rehabilitation, I find that a six (06)-year non-parole period would serve the purpose of this sentence. Therefore, you are not eligible for parole for six (06) years under Section 18 (1) of the Sentencing and Penalties Act.

Head Sentence

14. Accordingly, I sentence you to a period of nine (09) years imprisonment for one count of Rape, contrary to Section 207 (1) and (2) (b) of the Crimes Act 2009, as charged in the Information. Moreover, you are not entitled to parole for six (06) years according to Section 18 (1) of the Sentencing and Penalties Act.

Actual Period of the Sentence

15. You were in remand custody for this case for nearly seventeen (17) days before the sentence, as the Court did not grant you bail. According to Section 24 of the Sentencing and Penalties Act, I consider one (01) month as a period of imprisonment you have already served.

16. Accordingly, the actual sentencing period is **eight (08) years and eleven (11) months'** imprisonment, with a non-parole period of **five (05) years and eleven (11) months.**

17. Thirty (30) days to appeal to the Fiji Court of Appeal.



A handwritten signature in black ink, appearing to be "R. D. R. T. Rajasinghe".

.....
Hon. Mr. Justice R. D. R. T. Rajasinghe.

At Suva

15th January 2026.

Solicitors.

Office of the Director of Public Prosecutions for the Prosecution.

Office of the Director of Legal Aid Commission for Accused.