

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

**Criminal Case No.: HAC 44 of 2023**

**THE STATE**

**V**

**KAIOTI ROGONAVANUA**

**Counsel** : Mr N Kumar for the State  
: Ms V Kirti for the Accused

**Date of Trial** : 15 – 18 September 2025  
**Date of Judgment** : 28 November 2025  
**Date of Sentencing Hearing:** 19 December 2025  
**Date of Sentence** : 8 January 2026

**SENTENCE**

1. **Mr Kaioti Rogonavanua**, on 28 November 2025, after trial before this Court, you were convicted of assault occasioning actual bodily harm and rape.
2. The factual basis upon which I sentence you today may be shortly stated.
3. At around 3am on 2 June 2023, the victim, a young woman aged 21 years, was in Savusavu town waiting for the bus to connect with the Taveuni ferry. She went to relieve herself at a dark place near the taxi stand. As she stood up, she saw you standing in front of her. You asked where she was from and where she was going. When she told you, you accused her of lying and punched her in the face. She was knocked out and, as she regained

consciousness, you pulled down her pants. You touched her private parts and put your penis inside her vagina for about four to five minutes. You threatened to kill her if she shouted for help. You ejaculated inside her.

#### **Sentencing submissions**

4. The prosecution has drawn my attention to the accepted tariff for adult rape of 7 to 15 years' imprisonment. It is submitted that a number of factors make your offending more serious. The victim was vulnerable alone at night, and you used violence above that inherent in the offence of rape.

#### **Mitigation submissions**

5. Realistically, there was very little that Ms. Kirti could say on your behalf. I am informed that you are a 33-year-old married man with two young daughters. You support your family by farming yaqona. You have no previous convictions.

#### **Discussion and disposal**

6. The maximum sentence for assault causing actual bodily harm is 5 years' imprisonment, and the established sentencing range is up to 12 months' imprisonment. The maximum sentence for rape is life imprisonment. The established tariff for adult rape is 7 to 15 years' imprisonment. Clearly, rape is a very serious offence.
7. It is well-established that, whilst sentences imposed by other sentencing courts may provide broad guidance, there is a limit to the assistance that any sentencing court may glean from sentences imposed in other cases for similar offending. Every sentencing exercise is heavily fact specific, and must be approached as such.
8. It is also noteworthy that the accepted tariff for rape is wide. My task is to determine a just and proportionate sentence having appropriate regard to the

accepted range that properly reflects all the circumstances of your offending behaviour.

9. Turning my attention to the purposes of sentencing as set out in section 4 of the Sentencing and Penalties Act, I have had regard to a combination of the statutory purposes.
10. My principal focus in determining a just and proportionate sentence in this case is to ensure that the sentence I impose adequately signifies that the Court and the community denounces sexual offending and to deter those who may be minded to prey on vulnerable women simply going about their business at night.
11. I have decided that the best way to achieve a just and proportionate sentence reflecting the totality of your offending is to impose an aggregate sentence, taking rape as the lead offence and treating the assault occasioning actual bodily harm as a serious aggravating factor.
12. I take 7 years' imprisonment as the starting point for your sentence. I consider that your offending is made substantially more serious by the following factors:
  - (i) You attacked and raped a vulnerable young woman in a public place in the dead of night.
  - (ii) You did not use protection and ejaculated inside your victim.
  - (iii) You were intoxicated.
  - (iv) Your violence and threats of violence would have made your offending particularly traumatic for your victim.
13. The aggravating factors significantly outweigh your limited mitigation and warrant an upward adjustment to 12 years' imprisonment.
14. I am required to fix a period before which you may not be considered for parole. In practical terms this will be of far more concern to you than the head sentence I impose.

15. You are a relatively young first offender and I do not consider it necessary or appropriate to 'warehouse' you. In my view, you should be given every opportunity to avail yourself of opportunities for rehabilitation.
16. On this basis, I consider that a non-parole period of 8 years would reflect the appropriate punitive element of your sentence, and also provide a reasonable incentive for rehabilitative efforts on your part.
17. I am informed that you were remanded in custody for a period pre-trial, and you have been in custody since 28 November 2025. In total, therefore, you have served around 3 months in custody pending disposal of this matter, which is to be regarded as a period of imprisonment that you have already served.
18. Accordingly, the remaining time you must serve before being eligible to be released on parole is 7 years 9 months.
19. Mr Rogovanua, for the reasons I have explained, the sentence I impose is 12 years' imprisonment, less the time you have already served on remand. Your non-parole period is 7 years 9 months from today.
20. You may appeal to the Court of Appeal within 30 days



  
Hon. Mr Justice Burney

**At Labasa**

8 January 2026

**Solicitors**

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