

IN THE HIGH COURT OF FIJI
AT LABASA
CRIMINAL JURISDICTION

Crim. Case No: HAC 11 of 2023

STATE

vs.

MURITIKEI RASIGA

Counsel: Ms. E. Thaggard for the State
Mr. A. Prakash for Accused

Dates of Hearing: 15th, 16th and 17th September 2025

Date of Closing Submission: 19th September 2025

Date of Judgment: 23rd January 2026

Date of Sentence: 19th February 2026

SENTENCE

1. On 23rd January 2026, the Court found you guilty of one count of Manslaughter, contrary to Section 237 of the Crimes Act, which carries a maximum punishment of 25 years' imprisonment, and one count of Assault Causing Actual Bodily Harm, contrary to Section 275 of the Crimes Act, which carries a maximum punishment of 5 years' imprisonment.

2. At the trial, it was proved that you were fishing at sea near Qamea Island when the Deceased and two others passed your boat in a boat. The Deceased and his male friend were drunk, shouting and swearing as they passed your boat. You went after them and confronted them, asking why they were swearing at you. You then assaulted the Deceased on the head with the wooden oar you had in your boat, which led to a heated argument. The Deceased's male friend started to throw beer bottles at you. The male friend challenged you to go back to the shore and have a fair fight. While both boats were heading to the shore, you turned your boat and came straight towards the Deceased's boat at high speed, then suddenly turned it away as you got near their boat. The Deceased got up and jumped into the sea as your boat approached. The Deceased's dead body was found in the sea several days later.
3. The offence of Manslaughter ends a person's life unnaturally. Therefore, it is a serious offence. The primary purpose of this sentence is 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. The maximum sentence for Manslaughter is twenty-five years' imprisonment. The tariff for Manslaughter ranges from a suspended sentence, where there has been a great deal of provocation, to 12 years' imprisonment, where there has been minimal provocation.
4. There are a few approaches to setting the tariff for Assault Causing Actual Bodily Harm. In **State v. Tugalala (2008) FJHC 78; HAC 025/2008S**, the High Court found that the tariff for Assault Causing Actual Bodily Harm ranges from an absolute or conditional discharge to 12 months' imprisonment. In **State v Qalobula - Sentence [2020] FJHC 255; HAC100.2018** (the 3rd of April 2020), Hamza J found that the tariff is 3 months to 12 months' imprisonment. Aluthge J, in **State v Kumar - Sentence [2019] FJHC 544; HAC46.2019** (the 22nd of May 2019), found that the tariff for the offence of Assault Causing Actual Bodily Harm, when committed in a domestic setting, ranges from 6 months to 18 months.

5. These two offences were part of the same series and shared similar characteristics. Therefore, imposing an aggregate sentence under Section 17 of the Sentencing and Penalties Act is appropriate.
6. The Deceased's death has undoubtedly had a devastating impact on his family. The Victim Impact Report details the emotional and financial effects on his wife and young son. Therefore, the level of harm is substantially high.
7. Considering the serious nature of this offence, the purpose of the sentence, and the level of harm, I selected five years as the starting point.
8. You are 62 years old and have no previous convictions. You have held the position of “Mata - ni - Tikina” for “Tikina o Laucala”, serving the community.
9. Considering your advanced age and unblemished previous character, I reduced your sentence by two (02) years. Accordingly, I have reached a sentence of three (03) years’ imprisonment.
10. Having considered the seriousness of this crime, the purpose of this sentence, and opportunities for rehabilitation, I find that a non-parole period of one (01) year would serve the purpose of this sentence. Therefore, you are not eligible for parole for one (01) year under Section 18 (1) of the Sentencing and Penalties Act.

Head Sentence

11. Accordingly, I sentence you to a period of three (03) years imprisonment as an aggregate sentence for one count of Manslaughter, contrary to Section 239 of the Crimes Act and one count of Assault Causing Actual Bodily Harm, contrary to Section 275 of the Crimes Act. Moreover, you are not entitled to parole for one (01) year according to Section 18 (1) of the Sentencing and Penalties Act.

Actual Period of the Sentence

- 12. You were in remand custody in this case for nearly six months before the sentence, as the Court did not grant you bail. Under Section 24 of the Sentencing and Penalties Act, I consider six (06) months as a period of imprisonment you have already served.

- 13. Accordingly, the actual sentencing period is **two (02) years and six (06) months** imprisonment, with a non-parole period of **six (06) months**.

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



A handwritten signature in black ink, consisting of several loops and a long horizontal stroke.

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

At Suva

19th February 2026

Solicitors

Office of the Director of Public Prosecutions for the State.

Alvin Prakash Lawyers for the Accused.