

IN THE MAGISTRATES' COURT
AT BA
CRIMINAL JURISDICTION

Criminal Case No. 205/2025

BETWEEN: **STATE**

PROSECUTION

AND: **L.R**

ACCUSED

Counsel: PC 5647 Pranil Nair for Police Prosecution
 Ms. S. Singh (LAC) for the Accused.

Date of Sentence: 29 September 2025.

SENTENCE

Introduction

1. The names of the Complainant and the Accused are suppressed for the purpose of recording and publication.
2. Ms. L.R, on 24 September 2025, you pleaded Guilty to 1 count of Assault Causing Actual Bodily Harm contrary to section 275 of the Crimes Act 2009. The particulars of the offence are:

Statement of Offence

Assault Causing Actual Bodily Harm: *Contrary to Section 275 of the Crimes Act 2009.*

Particulars of Offence

L.R, on the 28th day of May 2025 at Nasolo Village, Ba in the Western Division assaulted one T.S.W thereby causing him actual bodily harm.

3. I am satisfied that you have fully comprehended the legal effect of your plea and that your plea was voluntary and free from influence, I now convict you and proceed to sentence you for this offence.

Circumstances of the offending

4. According to the Summary of Facts you admitted in Court, the Complainant is your 7 years old nephew and on 28 May 2025 at about 7am, the Complainant was at home when he accidentally urinated on his bed. You were at home as well and you got angry at the mess he had made.
5. You took a stick and started hitting the Complainant on his hands and legs multiple times. You also slapped him on the left cheek once which resulted in the right side of his head hitting the door due to the impact. You then told the Complainant to clean himself up and get ready for school.
6. The matter was reported and the Complainant was medically examined by the Doctor and the following injuries were recorded in the Medical Report:

- i. Swelling on the right eyebrow region with black discolouration noted on the right orbital region – 1cm x 1cm
 - ii. 2cm x 2cm area of redness (bruising), swelling on the right upper forearm
 - iii. 3cm x 3cm area of swelling and bruising, bluish discolouration and tender on palpation on the right interior thigh; and
 - iv. Scratch mark on the left upper forearm with no indication of fracture.
7. You were arrested and interviewed under caution where you admitted the allegation. You were then charged for this matter.

Objective Seriousness

8. Considering the prevalent nature of this crime within the domestic environment especially, I find the objective seriousness of this crime is high.

Sentencing Purpose

9. Considering that the primary purpose of this sentence is founded on the principle of deterrence, it is the responsibility of the Court to deter others from committing such offences of the same or similar nature as well as to protect the community from those who commit such offences.
10. A deterrent sentence for such offences of this nature demonstrates the gravity of the offence and reflects the society's immediate denouncement of such crimes.

Sentencing Regime

11. The maximum penalty for this offence of Assault causing Actual Bodily Harm is 5 years imprisonment.
12. In the case of ***Matai v State*** [2018] FJHC 25; *Criminal Appeal 108.2017Ltk* (26 January 2018) His Lordship Justice Madigan imposed a new domestic violence tariff. He stated:

"... it must now be said that the tariff for a domestic violence assault causing actual bodily harm is a wide range of 6 to 18 months, wide enough to cater for all kinds of injuries. It would be only in exceptional circumstances that a suspended sentence would be passed for the offence, given that sending the convict back into the family home could well have perilous consequences. For a second offence on the same victim, a suspended sentence is inconceivable.

13. Thus, the tariff applicable in this matter given that there is domestic violence is 6 to 18 months and in only exceptional cases would a suspended sentence be given.

Level of Culpability

14. It is evident that there was no provocation on the part of the Complainant when you committed this offence against him. The offence was committed by you in an impulsive/spontaneous manner as such, I find the level of culpability is materially significant.

Mitigating and Aggravating Factors

15. The Court notes the mitigation offered by your counsel on your behalf, however, personal circumstances and family background holds very low mitigatory value in this offending (vide ***Raj v State*** Appeal No. CAV 0003 of 2014 (20 August 2014)).

16. The Court is aware that you took an early guilty plea which highlights your genuine remorse for your actions.
17. Further, the Court was informed that you are a first offender.
18. The aggravating factors are that you breached the trust of the Complainant – your 7-year-old nephew and this offending against the Complainant would have had a negative impact on him considering how young he is.

Sentence

19. Considering the objective seriousness, the sentencing purpose and the level of culpability, I take a starting point of 12 months. I will then add 10 months for the aggravating factor, making it a total of 22 months imprisonment. For your mitigating circumstances including you being 54 years with no prior convictions, I will deduct 6 months. For your early guilty plea which highlights your genuine remorse, I will deduct a further 8 months leaving you with a balance of 8 months imprisonment.
20. Section 26(1) of the Sentencing and Penalties Act allows a court to make an order suspending the whole or part of the sentence if it is satisfied that it is appropriate to do so in the circumstances whilst section 26(2)(b) provides the Magistrates Court with the discretion to suspend a sentence where the sentence does not exceed 2 years.
21. However, a suspended sentence is not warranted in this case given your actions against your 7 year old nephew was unwarranted and uncalled for. Courts cannot be seen condoning such actions and need to send a clear message to the public that if such an offence is committed against children then the courts will come down firmly on such offenders. Considering your previous good character and the chances of rehabilitation, I will partly suspend your sentence. You shall serve 2 months of your sentence immediately and the remaining period of 6 months is suspended for 3 years.
22. If you commit any crime during the 3 years, you are liable to be charged and prosecuted for an offending pursuant to section 28 of the Sentencing and Penalties Act.
23. Further, as this incident involves domestic violence, there are sufficient grounds to make an order under the Domestic Violence Act. Accordingly, I grant a permanent domestic violence restraining order (DVRO) against you with standard non-molestation conditions. This DVRO will remain in force until this court or any other competent court varies or suspends it. If you breach the DVRO, you will be liable to be charged and prosecuted for an offence pursuant to section 77 of the Domestic Violence Act.
24. Any party aggrieved with this decision has 28 days to appeal to the High Court.

