

**IN THE MAGISTRATES' COURT  
AT BA  
CRIMINAL JURISDICTION**

**Criminal Case No. 85/2024**

**BETWEEN: STATE**

**PROSECUTION**

**AND: VIJENDRA REDDY**

**ACCUSED**

**Counsel:** PC 5647 Pranil Nair for Police Prosecution  
Accused unrepresented and in person.

**Date of Hearing:** 15 January 2026

**Date of Ruling:** 6 February 2026

**Date of Sentence:** 6 February 2026.

**SENTENCE**

Introduction

1. Mr. Vijendra Reddy, on 6 February 2026, the Court found you guilty for 1 count of Indecently Insulting and Annoying any Person, 1 count of Assault causing Actual Bodily Harm, 1 count of Breach of DVRO and 1 count of Breach of Bail Condition. The particulars of the offence are:

*Count 1  
Statement of Offence*

***Indecently Insulting and Annoying any Person:*** Contrary to Section 213(1)(b) of the Crimes Act 2009.

*Particulars of Offence*

***Vijendra Reddy*** on the 16<sup>th</sup> day of February 2024 at Varadoli, Ba in the Western Division intruded upon the privacy of ***Vilisita Sawakula*** by forcefully hugging and trying to kiss her lips, likely to offend the modesty of the said ***Vilisita Sawakula***.

*Count 2  
Statement of Offence*

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

*Particulars of Offence*

***Vijendra Reddy*** on the 16<sup>th</sup> day of February 2024 at Varadoli, Ba in the Western Division assaulted ***Vilisita Sawakula*** thereby occasioning her actual bodily harm.

*Count 3  
Statement of Offence*

***Breach of Domestic Violence Restraining Order:*** Contrary to Section 77(1)(a) of the Domestic Violence Act 2009.

Particulars of Offence

**Vijendra Reddy** on the 16<sup>th</sup> day of February 2024 at Varadoli, Ba in the Western Division having notice of the Domestic Violence Restraining Order No. 138/2023 by which he was bound, without reasonable excuse contravened section 27 of the order by assaulting **Vilisita Sawakula** the protected person.

Count 4

Statement of Offence

**Breach of Bail Condition:** Contrary to Section 25(1)(b) and Section 26(1) of the Bail Act No. 26 of 2022 and Bail Amendment Act No. 28 of 2012.

Particulars of Offence

**Vijendra Reddy** on the 16<sup>th</sup> day of February 2024 at Varadoli, Ba in the Western Division whilst being released on bail by Ba Magistrates Court vide Criminal Case Number 464/23 with the condition not to re-offend breached the said condition by re-offending.

2. The brief facts were as follows:

- i. On 16 February 2024, the Complainant had went to your house where their 2 children were. She prepared tea for them and when the Accused arrived home the Complainant was then about to leave.
- ii. As the Complainant was leaving, you stopped her and told her not to leave. You then held her neck and pushed her and as she was trying to go outside, you then pulled her into the room.
- iii. The Complainant fell and upon standing up, you then tried to kiss her and hug her. The Complainant pushed you away which led to you slapping her and in defence, she slapped you back.
- iv. The Complainant was medically examined by Dr. Samuela on the same date and Dr. Samuela noted in the Medical Report tenderness on the back part of the Complainant's head with bruising on her forearm and over the Complainant's left leg as well as swelling on her right wrist.
- v. In Dr. Samuela's professional opinion, the injuries were from assault.
- vi. At the time, the Complainant had a DVRO against the Accused being DVRO138/23 where the Court had granted section 27 standard non-molestation conditions for her protection against the Accused. 19 October 2023, you had gone to the Complainant's workplace at Sahaj Minimart in Varadoli, Ba.
- vii. You agreed that you had notice and were bound by the above DVRO and that you were not allowed to touch or assault the Complainant.
- viii. Further, you agreed that you had been granted bail on 9 November 2023 and one of the conditions as per the Bail Undertaking Form was that you could not re-offend whilst on bail.
- ix. Given that you had assaulted the Complainant, you had breached the domestic violence restraining order and the bail condition.

3. I now convict you and proceed to sentence you for the above offences.

Objective Seriousness

4. Considering the prevalent nature of this crime within the domestic environment especially targeting female members, I find the objective seriousness of this crime is high.

### Sentencing Regime

5. The maximum penalty for the offence of Indecently Annoying any Person is 1 year imprisonment.
6. It was observed that there is no tariff set for such an offence but that there is a myriad of ways in which a person can be sexually harassed and the sentence will be at the discretion of the court hearing the matter - vide **State v Yabakiono**; *Criminal Case No. HAC 77 of 2014 (9 May 2016)*.
7. The maximum penalty for this offence of Assault causing Actual Bodily Harm is 5 years imprisonment.
8. 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.*
9. Thus, the tariff applicable in this matter given that there is domestic violence is 6 to 18 months and in only exceptional cases a suspended sentence would be given.
10. The maximum penalty for a Breach of Domestic Violence Restraining Order are as follows:
  - i. First time breach – a fine of \$1,000 and a term of imprisonment of 12 months; or
  - ii. Subsequent breaches – a fine of \$2,000 and a term of imprisonment of 12 months.
11. There is no set tariff for the offence of Breach of Domestic Violence Order.
12. The maximum penalty for Breaching of Conditions of Bail is a fine of \$2,000 or 12 months imprisonment or both.
13. In **Ratu v State**; *Criminal Appeal No. HAA 89 of 2018 (21 February 2019)* His Lordship Justice Madigan referred to the decision of **Saula Lalagavesi** HAA 83/2018LT where His Lordship had stated that the tariff for breaching conditions of bail is from a suspended sentence to 9 months imprisonment.

### Mitigating and Aggravating Factors

14. The Court notes that mitigation offered by you however personal circumstances and family background but this holds very low mitigatory value in this offending (vide **Raj v State** *Appeal No. CAV 0003 of 2014 (20 August 2014)*).
15. Further, the Court was informed that you have the following previous convictions:
  - i. Ba CF 614/17 – Burglary – Sentenced on 26 July 2018 to 14 months imprisonment suspended for 2 years;

- ii. Ba CF 511/22 – Assault Causing Actual Bodily Harm – Sentenced on 23 March 2023 to 2 months imprisonment; and
  - iii. Ba CF 512/22 – Absconding Bail – Sentenced on 23 March 2023 to 2 months imprisonment.
16. It is evident from your previous convictions that you have not reformed yourself. Moreover, you have not provided the Court with any evidence of any significant contributions made by you to your community. As such, considering section 5 of the Sentencing and Penalties Act 2009, the Court is unable to provide you any discount for your previous character.
  17. The Court finds that the aggravating factors are that you breached the trust of the Complainant – your wife and there was no provocation by the Complainant when you committed these offences against her.

#### Sentence

18. In sentencing you, the Court has taken into account the factors outlined in section 4(1)-(3) of the Sentencing and Penalties Act 2009.
19. Considering the objective seriousness, I select a starting point of 9 months imprisonment. I will then add 6 months for the aggravating factors mentioned herein, making it a total of 15 months imprisonment. For your mitigating circumstances, I will deduct 1 month, leaving you with a balance of 14 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. Considering your chances of rehabilitation, I will suspend the 14 months imprisonment terms for 5 years.
22. If you commit any crime during the 5 years, you are liable to be charged and prosecuted for an offending pursuant to section 28 of the Sentencing and Penalties Act.
23. Further, you are reminded that there is 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.

  
N. Mishra  
Resident Magistrate

