

IN THE SUPREME COURT OF FIJI

Appellate Jurisdiction
Labasa Criminal Appeal No. 12 of 1978

000147

Between:

ISIKELI RUKUNI

and

REGINAM

JUDGMENT

On the 19th December 1977 at Labasa Magistrates Court the appellant was convicted on his own plea of assault occasioning actual bodily harm contrary to section 277 of the Penal Code and was sentenced to twelve months' imprisonment.

The appellant has appealed against sentence on the grounds that the complainant is his sister who is married to a police constable and who, as a result of some domestic dispute, was trying to mutilate her husband's uniform and prevent him from going on duty. Their mother asked the appellant to physically restrain his sister from conduct so prejudicial to her husband, and in the course of so doing the appellant punched his sister on the face. His sister subsequently requested the police not to proceed with the complaint against the appellant.

The trial Magistrate in passing sentence took into account that the appellant has a bad record and stated that this was a most prevalent offence in Labasa.

However the crime statistics do not disclose any

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upsurge of violence in the Northern Division and, in any event, every case must be dealt with on its own facts.

On the facts of this case a sentence of twelve months' imprisonment is not justified. It is quashed and in substitution therefor the appellant is sentenced to such term of imprisonment as will permit of his immediate release.

(Sgd.) Clifford H. Grant
Chief Justice

Suva,

28th April 1978.