

IN THE SUPREME COURT OF FIJI (WESTERN DIVISION)

AT LAUTOKA

Appellate Jurisdiction

Criminal Appeal No. 118 of 1978

BETWEEN:

RAMENDRA SINGH s/o Sardar Singh Appellant

- and -

REGINAM

Respondent

Mr. G.P. Shankar, Counsel for the Appellant.

JUDGMENT

The appellant was convicted on his own plea of indecent assault.

He received 9 months' imprisonment and 6 strokes on the charge of indecent assault and he appeals against that sentence.

It is clear that the appellant and the complainant are known to each other.

The complainant is a house wife and at the time she was in her home alone. No force was used by the appellant to gain entry. He pretended he wanted a drink of water and was allowed in for that purpose.

He put his hands on her breasts and suggested sexual intercourse.

The complainant bit his hand and he ran away.

It appears that the appellant did not press home his assault with any considerable vigour, but there must have been some kind of a struggle for him to have had his hand bitten.

Apparently the appellant had heard that the complainant was a lady of easy virtue and decided to try his luck. I would scarcely regard this as a mitigating feature but rather to the contrary.

The incident was an outrageous assault on the dignity and character of a married woman.

The circumstances were such, no doubt, as to oblige her to notify the police in order to protect her reputation.

In all the circumstances I do not think that corporal punishment is called for in this case.

However, I regard the 9 months' sentence of imprisonment as being appropriate. Homes of citizens are the places where they should not only feel safe but where they should be safe. Individuals who would attack women folk in their own homes are to be deterred.

Accordingly the sentence is upheld with the exception of the corporal punishment which is set aside.

(Sgd.) J.T. Williams
Judge

Lautoka,
6th November, 1978.