

IN THE SUPREME COURT
OF THE REPUBLIC OF VANUATU

CRIMINAL CASE NO.43 of 1993

HEARD AT LUGANVILLE, SANTO
(NORTHERN DISTRICT)

CRIMINAL JURISDICTION

PUBLIC PROSECUTOR -V- ERIC BOE

GORAM: BEAUMONT, Acting Judge
Hiliary TOA For Public Prosecutor
Heather LINI For Accused

REMARKS ON SENTENCE

The Accused has Pleaded Guilty to a Charge of having
• UNLAWFUL SEXUAL INTERCOURSE with a Girl under the age of 15
but over 13 years (PENAL CODE, SECTION 97(2)). The plea
should be accepted. The Accused is convicted accordingly.

The Accused is the uncle of the Complainant. At the time of
the incident (December 1990), he was 17. The Complainant
was then 14. There is no doubt that Intercourse took place,
although it was claimed by the Complainant that this was
without her Consent. The Accused disputes this. The
Complainant later became pregnant.

The Accused has since married the sister of the Complainant.
They have a young baby. The Accused worked as a gardener
until he was taken into Custody recently.

The Prescribed Penalty for this offence, serious as it is,
is Imprisonment for five years. However, there are
mitigating circumstances.

The Accused says that the Complainant told him at the time
that she was 16; and that she later told him that she was
only 14.

I take into account also the fact that the parties were quite close in age.

I also propose to allow for the fact that the Accused has Plead ~~Guilty~~ and that a custodial sentence would work hardship on the young family of the Accused.

In my opinion, a relatively severe fine should be imposed as punishment for this offence.

The Accused is fined the sum of VT40,000 payable by 10 monthly instalments of VT4,000 each, commencing on 1st July 1993.

The Accused must also pay the Prosecution's Costs of VT2,000 by 1st October 1993.

Dated this 3rd day of June 1993


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B.A. BEAUMONT
Acting Judge