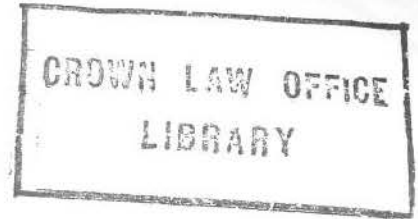


IN THE FIJI COURT OF APPEAL

Criminal Appeal No. 80 of 1986



Between:

RAILAU VELEKI

Appellant

- and -

R E G I N A M

Respondent

The Appellant in Person  
Mr.B. Singh for the Respondent

Date of Hearing: 10th March 1987  
Date of Judgment: 13th March 1987

JUDGMENT OF THE COURT

Speight, V.P.

The appellant was convicted in the Supreme Court at Lautoka of one charge of Rape. He was sentenced by the learned trial Judge to five years imprisonment and 10 strokes of corporal punishment.

He has appealed against sentence only.

This was a bad case. The complainant, a young woman whose character was in no way impugned at the trial was, with her sister and another young woman, gathering shells from the beach near Korotogo.

The appellant, who is only casually known to her, galloped up on horse back, grabbed hold of her, forced her onto the horse and galloped off into remote sand hills. There he dragged her off the horse, punched her, tore her clothing and had sexual intercourse despite her struggles. It was a shocking experience involving not only the final outrage, but the earlier and traumatic abduction in the presence of her friends and other witnesses.

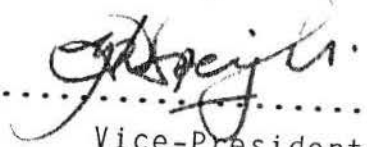
In written material put before the Court the Appellant, who is aged 21, claimed that he had initially believed that she was willing to have intercourse. This claim is quite untenable in view of the complainant's evidence and the strong supporting evidence of the witnesses who saw her taken away.

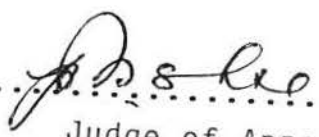
He is a first offender, and we believe that that has been allowed for in the sentence of 5 years imprisonment, which could well have been for a longer period, taking into account the prevalence of the offence in Fiji today and the need to deter other offenders - a factor obviously in the learned Judge's mind when he also imposed corporal punishment.

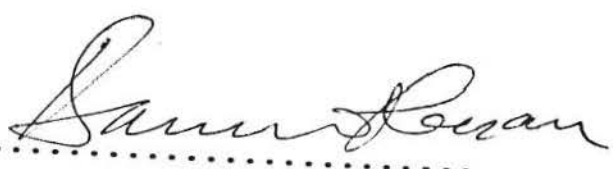
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3.

The appeal is dismissed.

  
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Vice-President

  
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Judge of Appeal

  
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Judge of Appeal