

IN THE HIGH COURT OF FIJI  
AT LAUTOKA  
CRIMINAL JURISDICTION

Criminal Case No. HAC 16 of 2012

BETWEEN : STATE

AND : SEREMAIA VEREMALUMU

Counsel : Mr Alvin Singh for the State  
Miss. S. Nasedra for the Accused

Date of Hearing : 13<sup>th</sup> of May 2015

Date of Sentence : 19<sup>th</sup> of May 2015,

SENTENCE

1. You, Seremaia Veremalumu stand convicted for one count of rape contrary to section 207(1) and (2) (c) and (3) of the Crimes Decree, which carries a maximum penalty of life imprisonment.
2. You pleaded guilty on your own free will on the 13<sup>th</sup> of May 2015. . Having satisfied that you have fully comprehended the legal effect of your plea and your

plea was voluntary and free from influence. I now convict you for this offence of rape.

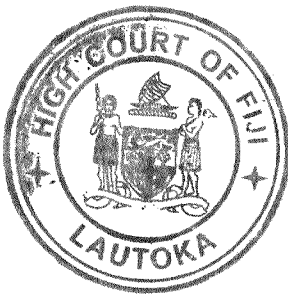
3. It was revealed in the summery of fact, which you admitted in open court, that you carried the victim to the toilet of Turaga -ni- Koro of Solevu Village while she was playing with two other children on the 14<sup>th</sup> of December 2011 at about 2p.m. You then forcefully inserted your penis into her mouth and made her suck it for about three minutes inside the toilet. The victim was a six year's old child at the time of this crime took place. You were 31 years old at that time.
4. This is a case of sexually abusing of a child under the age of 13 years old by a known person of her close neighbourhood. Sexually assaulting and raping children by known people in their close vicinity has become a prevalence in the society, which need to be addressed promptly and effectively, not only through the judicial process, but also through a wider socio-cultural process. Rape of an under aged child is the worst form of sexual assault. The adverse psychological effect of such sexual abuses in a growing child cannot be properly evaluated and foreseen, even by psychologists and sociologists.
5. Having considered the serious nature of this offence and the purpose of protecting children from such heinous crimes, I now turn my attention to consider the purpose of this sentence. The main purpose of this sentence is founded on the principle of deterrence. It is a responsibility of the court to deter offenders or other persons from committing offences of the same or similar nature and protect the community from offenders of this nature. A harsh and long custodial sentence is inevitable for the offences in this nature in order to demonstrate the gravity of

the offences and reflect that the civilised society denounce such crimes without any reservation.

6. Hon. Chief Justice Gates in Anand Abhay Raj ( Special leave to appeal No. CAV003 of 2014) held that the tariff for rape of a child is between 10 -16 years' imprisonment period. Having considered the nature of this offence and the seriousness surrounded with the commission of the offence, I select 11 years as the starting point.
7. You live in the same village of the victim and is known to her. You were a 31 year old at the time of committing this offence. The victim was just 6 years old. You hold the position of elderly trusted neighbour to this little girl. By committing this offence you have breached the trust repost in you by the victim. You forcefully carried her into the toilet when she refused to come to you. You not only breached the trust of the victim, but also the trust of your fellow villagers. You have exposed the victim to sexual activities prior to the natural process of her sexual maturity. I consider these reasons as aggravating factors of this offence.
8. The learned counsel of the accused submitted in her mitigation submissions that you are now 34 years old and pleaded guilty before the hearing of this charge. By doing so, you have saved the time and resources of the court. More importantly you have saved the victim from undergoing a psychological trauma by recalling the memories once again during course of the hearing.
9. Having considered the above mentioned aggravating factors, I increase 3 years to reach 14 years of interim imprisonment period. In consideration of the mitigating

factors which I discussed above, I reduce 2 years. I further reduce 18 months for the time that you have spent in remand prison prior to this sentence. Your sentence has now reached to ten years and six months.

10. Accordingly, Mr. Seremaia Veremalumu, I sentence you to a period of 10 years and 6 months of imprisonment for the offence of rape contrary to section 207(1) and (2) (c) and (3) of the Crimes Decree. In pursuant of section 18 (1) of the Sentencing and Penalties Decree, you are not eligible for parole for a period of 9 years.
11. Thirty days (30) to appeal to Court of Appeal.



**At Lautoka**  
**19<sup>th</sup> May, 2015**

**Thushara Rajasinghe**  
**Judge**

Office of the Director of Public Prosecution for the State  
Office of the Legal Aid Commission for the Accused