

IN THE HIGH COURT OF FIJI
CRIMINAL JURISDICTION
AT LAUTOKA

CRIMINAL CASE: HAC 230 OF 2011L

BETWEEN : STATE

AND : VATEMO RAVOUVOU

Counsel : Mr. A. Singh for State
The Accused is in person,

Date of Hearing : 22nd -24th of July 2015

Date of Summing Up: 24th of July 2015,

Date of Judgment: 24th of July 2015.

Date of Sentence: 14th of August 2015.

SENTENCE

1. You, Vatemo Ravouvou stands convicted for one count of rape contrary to section 207(1) and 207(2) (a) of the Crimes Decree, which carries a maximum penalty of life imprisonment.
2. Subsequent to the hearing of this charge and the unanimous guilty verdict of the three assessors, the court found you guilty and convicted for this offence of rape.
3. It was proved at the conclusion of the hearing that you joined with the victim and her two friends for a drink at the back of the night club when it was closed in the early morning of 18th of November 2011. You consumed beer with them. The two friends of the victim then left home leaving you and the victim alone at the place. You then told the victim to go under the night club and sleep there

as she was sleepy and drunk. When she went there as you said, you followed her and came on top of her. You then removed her cloths and inserted into her vagina with your penis. She struggled and tried to push you away, but you went on committing this rape without her consent.

4. The act of rape is the worse form of sexual offence, which not only physically degrades a human being but also emotionally infringes someone life severely. Offenders of such heinous crimes need to be dealt with seriously. It requires an active judicial intervention in order to demonstrate that such offences are condemned and denounced by the civilised society without any reservation.
5. Having considered the section 4 (1) of the sentencing and penalties decree, It is my opinion that the main purpose of this sentencing must be founded on the principle of deterrence. It is a responsibility of the court, to demonstrate the grave seriousness of the offences of this nature to the public in sentencing. I am mindful of the principle of rehabilitation; however, the court must give priority to deter the offenders and other persons from committing offences of this nature, while preserving the principle of rehabilitation.
6. Tariff for the offence of rape ranges from 7 years to 15 years (State v Marawa[2004] FJHC 338; HAC 0016T.2003S (23 April 2004), The State v Navauniani Koroi (unreported) Cr. App Case No. HAA0050.2002S, The State v Samu Seru (unreported) Suva Crim. Case No. HAC0021.2002S, State v Oteti Sivonatoto, Crim Case No 207 of 2011))
7. You forcefully removed her cloths while she was struggling to escape. You then inserted into her vagina with your penis without her consent. Having considered the nature of this offending and the seriousness surrounded with the commission of the offence, I select 7 years as the starting point.
8. You chose to commit this crime while the victim was drunk and sleeping, which left her without much opportunity to resist and escape from you. The victim and her two friends invited you for a drink with them, but eventually

you ended up committing this crime on the victim in return of their friendliness. I consider these reasons as aggravating factors of this offence.

9. I now turn to consider mitigating factors for you. You have no previous convictions. You stated in your mitigation you have a daughter and she needs your assistance and your presence in her life. You are a famer and supporting your parent. I consider the time that you spend in remand prior to this sentencing in this mitigation.
10. Having considered the above mentioned aggravating factors, I increase 2 years to reach 9 years of interim imprisonment period. In considering the mitigating factors which I discussed above, I reduce 1 year to reach the final sentence of 8 years for the offence of rape.
11. Accordingly, Mr. Vatemo Ravouvou, I sentence you eight (8) years of imprisonment period for the offence of rape contrary to section 207(1) and 207 (2) (a) 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 5 years.
12. 30 days to appeal to Court of Appeal.




R. D. R. Thushara Rajasinghe
Judge

At Lautoka
14th of August 2015

Solicitors : Office of the Director of Public Prosecutions
The Accused person,