

IN THE HIGH COURT OF FIJI
AT SUVA
[CRIMINAL JURISDICTION]

Criminal Case No. HAC 224 of 2017[LTK]

BETWEEN : STATE

AND : SHANEIL REDDY

Counsel : Mr S Seruvatu for the State
Ms L David for the Accused

Dates of Hearing : 18 – 20 March 2019

Date of Sentence : 27 March 2019

SENTENCE

- [1] Shaniel Reddy, you stand convicted of two counts of rape and one count of theft. I now pronounce your sentence.
- [2] The facts are that on 30 November 2017, you befriended the complainant after gaining her trust. She is a young woman in her early twenties. You are 27 years old and now separated from your wife. You are a permanent residence of Australia and were working as a Pharmacy Assistant before this case. This case has cost you your marriage and the conviction may now cost you your residency in Australia.
- [3] The young victim was traumatized by the incidents that occurred on 1 December 2017. You were in the country with your wife for holidays. You exploited the vulnerability of the victim by offering her marijuana. You knew she was drunk and depressed. When she passed out after taking marijuana, you moved her to a secluded

hotel away from the hotel that you were staying in with your wife. You forced her to perform fellatio and then raped her. You stole her property before abandoning her in the room.

- [4] Rape is a serious offence. It is punishable by life imprisonment. The tariff for rape of an adult is between 7 to 15 years imprisonment (*Rokolaba v State* [2018] FJSC 12; CAV0011.2017 (26 April 2018)).
- [5] The maximum penalty prescribed for theft is 10 years imprisonment. The tariff for simple theft is between 2 to 9 months imprisonment (*Ratusili v State* [2012] FJHC 1249; HAA011.2012 (1 August 2012)).
- [6] The purposes of sentence for the offence of sexual violence are denunciation and deterrence. It is the court's duty to protect women from sexual violence by imposing sentence that not only deters the offender but others. The sentence must also mark the community's disapproval of sexual violence against women.
- [7] I take 7 years imprisonment as a starting point for rape. I consider the following as the aggravating factors:
- The victim was vulnerable – she was intoxicated and feeling depressed.
 - The victim was humiliated – she was called a “slut”.
 - Sexually explicit and nude videos were made of the victim during the offence.
 - The victim was confined in a secluded location and threatened that her sexually explicit videos would be posted on internet if she left the place.
 - The victim was smothered with a pillow to a point where she lost consciousness.
 - The victim was hit in the face and pulled by hair to force her to perform fellatio.
 - Rape was repeated – sexual intercourse followed after fellatio.

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[8] For these aggravating factors, I enhance your sentence by 5 years.

[9] Your remand period is 2 weeks. I make a downward adjustment to your sentence to reflect your remand period. The only mitigating factor is your previous good character. For that I give you a generous discount of 11 ½ months.

[10] On each count of rape, I sentence you to 10 years' imprisonment. For theft, I sentence you to 6 months' imprisonment. All three offences were committed as part of the same transaction. I order that you serve your sentences concurrently. The total effective sentence is 10 years' imprisonment. I fix a non-parole period of 7 years.



A handwritten signature in blue ink, appearing to read "Daniel Goundar".

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Hon. Mr Justice Daniel Goundar

Solicitors:

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