

IN THE HIGH COURT OF FIJI
AT LABASA
CRIMINAL JURISDICTION

Criminal Case No. HAC 16 of 2019

STATE

V

FABIANO DAKAI

Counsel : Mrs. A. Vavadua for the State
Miss K. Boseiwaqa (L.A.C.) for the Accused

Date of Hearing : 17 and 18 April 2019

Date of Sentence : 25 April 2019

SENTENCE

1. On the 17th April 2019 the accused entered a plea of guilty in this Court to one count of assault causing Actual bodily harm, contrary to section 275 of the Crimes Act 2009.
2. On the 18th April, he agreed a relevant set of facts and was convicted of the count by this Court.
3. The facts of the case are these:

On the 28th February 2018 at Naweni Village in Savusavu, the accused and the victim, one Nuku, who were unrelated house mates, had a trivial domestic argument over a kitchen

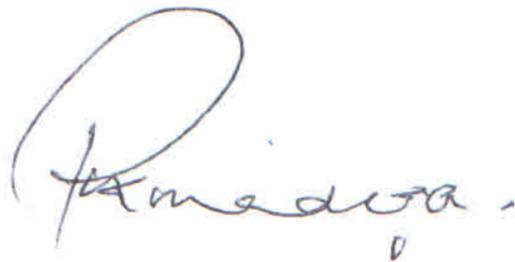
appliance. Subsequent to the argument, Nuku left to go to a neighbour's house to rest. Sometime later the accused entered the house with a piece of wood and started punching Nuku. He picked up the wood and hit his back with it. In fending off the blows, Nuku injured his left hand.

4. The victim, Nuku sustained abrasions to his left chest and his left hand was swollen.
5. The accused made partial inculpatory admissions when interviewed by the Police.
6. The accused is a farmer, aged 50 and married with 2 teenage children. He has a clear record and is said to be remorseful to the extent that he regrets that he has not been able to make a traditional appropriate apology to his room mate.
7. The most important factor in his favour is his plea of guilty saving time and resources of this Court.
8. The maximum term of imprisonment for this offence is a term of imprisonment for 5 years. The tariff for the offence is a suspended sentence through to a term of imprisonment of 9 months.
9. The argument leading to the assault was trivial and did not warrant the angry response from the accused.
10. The accused however has never offended in his 50 years of life, he co-operated with the authorities and he entered a plea of guilty in this court showing remorse. The injuries are superficial.

12. He will be sent back to the village to make amends and to focus on his family rather than picking unnecessary fights.
13. The sentence I pass is one of 6 months' imprisonment, suspended for 12 months.
14. His counsel is ordered to explain to him the implications of a suspended sentence.

Order

1. The accused is sentenced to a 6 months' imprisonment, suspended for 12 months.



P. K. Madigan

Judge

At Labasa

25 April 2019

