

IN THE HIGH COURT OF FIJI

AT LABASA

CRIMINAL JURISDICTION

Criminal Case No: HAC 23 of 2020

BETWEEN : THE STATE

AND : MAIKELI RATU

Counsel: Ms A Vavadakua for the State
Mr P Gade for the Accused

Date of Hearing: 22 July 2020

Date of Sentence: 29 July 2020

SENTENCE

1. On 31 March 2020, the offender forced a 10-year old child to perform fellatio on him. The following day he fondled the child's breasts and private parts. The incidents occurred at the victim's home. When the victim's mother came to know about the incidents she reported the matter to the police.
2. The offender was charged with rape and sexual assault. He pleaded guilty to the charges at the first opportunity.
3. Both the victim and the offender are from the same settlement in Cawaira, Labasa. He is 19 years of age. He is unemployed and was raised by his maternal grandmother after his father passed away at the age of 2 years. He dropped out of school at Year 2 due to financial constraints.

4. The victim is a Year 5 student. The aggravating factors are that she was vulnerable and her trust was breached by someone who she knew from the same settlement. Both incidents occurred in her home in a span of two days.
5. In terms of the mitigating factors the offender is a young and a first time offender. He has pleaded guilty to the charges. He also confessed to the police after he was arrested. He has expressed remorse for his conduct and has relieved the victim of the trauma of giving evidence at a trial. These mitigating factors attract significant reduction in sentence. A further reduction is made for a period of about 4 months that the offender has spent in custody on remand.
6. Despite these mitigating factors, a prison sentence is inevitable. A young female child was sexually abused by a young but an adult male in her home. This kind of abuse is too prevalent in our community. The purposes of sentence are to denounce the conduct of the offender and deter him and others.
7. After taking all these factors and the applicable tariff for the offences into account, I sentence the offender to 10 years' imprisonment for rape and 3 years' imprisonment for sexual assault, to be served concurrently. The total sentence is 10 years' imprisonment with a non-parole period of 7 years.



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Hon. Mr Justice Daniel Goundar

Solicitors:

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

