

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

CRIMINAL CASE NO: HAC 041 OF 2020

BETWEEN : STATE

AND : JOLAME LASAWA

Counsel : Ms A Vavadakua for the State
No Appearance by the Accused

Date of Hearing : 22 June 2020

Date of Sentence : 5 August 2020

SENTENCE

- [1] The offender was tried in absentia in the Magistrates' Court at Savusavu and convicted of rape contrary to sections 149 and 150 of the Penal Code. After recording conviction the learned magistrate transferred the case to the High Court for sentence pursuant to section 190(c) of the Criminal Procedure Act.
- [2] The incident occurred in September 2008 at Bagata village, Savusavu. At the time of the offending the victim was 8 years old and a Year 2 student. The offender was 18 years old. Both were from the same community. On the day of the incident, the offender grabbed and dragged the complainant to an isolated spot and raped her. He warned her not to report the incident to anyone. Following his arrest he was granted bail by the court. He absconded bail and since then he has evaded the justice system.
- [3] This is another case of rape of a female child by a young but an adult male. The only mitigating factors are the offender's youth and previous good character at the time of the offending.

[4] However, the nature and the gravity of the offence warrants a lengthy prison sentence. The victim was vulnerable due to her tender age. The offender attacked her body, privacy and security. He has no remorse. The courts duty is to denounce the crime and pass a deterrent sentence.

[5] The offender is sentenced to 14 years' imprisonment with a non-parole period of 12 years. The sentence is to take effect from the date the offender is apprehended. It is now the responsibility of police to apprehend him and commit him to prison.



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Hon. Mr Justice Daniel Goundar

Solicitors: Office of the Director of Public Prosecutions for the State
No Appearance by the Accused

