

IN THE HIGH COURT OF FIJI
AT SUVA
CRIMINAL JURISDICTION
CRIMINAL CASE NO. HAC 140 OF 2020S

STATE

VS

JOSEVATA WERELALI KOROI

**Counsels : Mr. Y. Prasad, Mr. S. Komaibaba and Ms. M. Lomaloma for
State
Mr. I. Romanu for Accused**

Hearings : 24, 25, 26, 29, 30 and 31 March, 2021

Judgment : 6 April, 2021.

Sentence : 7 April, 2021.

SENTENCE

1. In a judgment delivered yesterday, the court found you guilty and convicted you on the following information:

“Statement of Offence

MURDER: Contrary to Section 237 of the Crimes Act 2009.

Particulars of Offence

***JOSEVATA WERELALI KOROI on the 1st day of May, 2020 at Waima Village,
Vunidawa in the Eastern Division murdered one ADI ELENANI WAIDRAU.”***

2. The facts of your case demonstrated once again the all too familiar problem of a spouse's inability to deal peacefully with the infidelity of the other spouse. With the rise of liberalism in today's world, free choices are often encouraged in individuals, even among married people. Consequently, infidelity among spouses sometimes creep in, if there was turmoil in the family.
3. The above appeared to happen in your case. On 1 May, 2020, you were 32 years old. The deceased, your wife, was 27 years old. You two had been together for 10 years. You reached Form 6 level education at Nasinu Secondary School. You two obviously loved each other because you two had two children together. Your children are now aged 11 and 9 years old. However, you knew since 2017 that your wife was having an affair with another man. You tried to resolve the same by asking her to stop the same, but it appeared she persisted. On 1 May 2020, you decided to end her life, by stabbing her in the right chest and in her left back. You did not seek a resolution to your marital problem in the Family Court. To you, unfortunately, the answer was murder.
4. There is only one sentence for murder and that is a mandatory life imprisonment (section 237 of the Crimes Act 2009). The law gives the court power to fix a minimum term to be served before a pardon may be considered by His Excellency the President of the Republic of Fiji (section 119 of the 2013 Constitution of the Republic of Fiji).
5. I note you are 33 years old. I also note in your plea in mitigation that you still love your wife. I note that you are extremely remorseful, and that your two children are now been cared for by your parents. I note you are a first offender and had been remanded in custody for approximately 10 months. You say you regret

what had happened. You say you were provoked by the infidelity of your wife since 2017, but this was not enough to satisfy the legal criteria.

6. The problem you encountered in your case is not unfamiliar in Fiji and the rest of the world. But people must learn to resolve the problem peacefully, either through counselling or divorce proceedings in the Family Court. Murder, as a remedy, is no answer.
7. I sentence you to the mandatory life imprisonment. Given the matters mentioned above, I set 18 years as the minimum term to be served before a pardon may be considered by His Excellency the President of the Republic of Fiji.
8. Because of a misunderstanding of what a minimum term means, let me quote what His Lordship Mr. Justice Goundar said in **State v Yogesh Rohit Lal**, Criminal Case No. HAC 46 of 2019, High Court, Labasa (13 February 2020):

“...Let me explain to the offender the effect of fixing a minimum term. Once a minimum term is fixed the offender cannot apply for a pardon until he had served the fixed term. After serving the fixed term he may apply to the President to pardon him upon advice of the Mercy Commission, but it is not necessary that he will be granted one. In the event the offender is not granted a pardon, he remains in prison till death...”

I endorse His Lordship’s view abovementioned.

9. You have 30 days to appeal to the Court of Appeal.



Solicitor for State :
Solicitor for Accused :

A handwritten signature in blue ink, appearing to read 'Salesi Temo'.

Salesi Temo
JUDGE

Office of the Director of Public Prosecution, Suva
MIQ Lawyers, Suva