

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

CRIMINAL CASE NO. HAC 014 OF 2021

BETWEEN : STATE

AND : SAILOSI KOROVIKATURAGA

Counsel : Ms A Vavadakua for the State
Accused in Person

Date of Hearing : 17 November 2021

Date of Sentence : 3 December 2021

SENTENCE

- [1] The Accused has pleaded guilty to a charge of act with intent to cause grievous harm contrary to section 255(a) of the Crimes Act.
- [2] The victim is a 6-year old child. The incident occurred on 9 January 2021 at Dreketi village in Taveuni. The attack was planned. There was some animosity between the Accused and the child victim's father. The Accused went to the victim's house armed with a piece of wood. He saw the victim playing outside in the verandah. He sneaked into the verandah and struck the child twice on the head with the piece of wood, rendering him unconscious.
- [3] The incident was witnessed by the child's neighbour. The neighbour saw the Accused fleeing the scene after attacking the child.

- [4] The victim was immediately taken to the Taveuni hospital. The examining doctor noted that the child was distressed, confused and in physical pain. The victim's eyes were swollen. The victim had sustained open lacerations on his forehead and face. The wound was 2 cm deep. The child was referred to the Labasa hospital for further medical attention.
- [5] The Accused is 48 years old and is single. He is a farmer. The mitigating factors are that the Accused has pleaded guilty at the first opportunity and has saved court's time and resources. He is a first time offender. He says that he is remorseful. However, I am mindful that he was facing a strong prosecution case based on the eye witness's account of the incident.
- [6] The aggravating factors are:
1. The victim was vulnerable due to his tender age.
 2. The victim was attacked in the safety of his home.
 3. The attack was planned and unprovoked.
 4. A weapon was used to cause physical injuries.
- [7] The maximum penalty prescribed for the offence of causing serious harm is life imprisonment. The tariff for the offence is between 6 months imprisonment to 5 years imprisonment, and in cases where a weapon is used, the starting point should range from 2 years imprisonment to 5 years, depending on the nature of the weapon (*State v Mokubula [2003] FJHC 164; HAA0052J.2003S (23 December 2003)*).
- [8] I pick 2 years as my starting point. I add 3 years for the aggravating factors and reduce 2 years for the mitigating factors. I further reduce the sentence by 1 year to reflect the Accused's remand period.
- [9] The Accused is convicted and sentenced to 2 years imprisonment. Suspension is not appropriate. I fix a non-parole period of 12 months. The purpose of sentence

is to denounce the conduct of the Accused, and to deter him and others from committing similar crime in the future.



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Hon. Mr Justice Daniel Goundar

Solicitors:

Office of the Director of Public Prosecutions for the State

Accused in Person