

IN THE HIGH COURT OF FIJI
AT LAUTOKA
CRIMINAL JURISDICTION

CRIMINAL CASE NO. HAC 030 of 2018

STATE

V

RAVIN NATH

Counsel: Mr Babitu for the State
Ms Ali for the Accused

Date of Hearing: 05 and 06 January, 2021

Date of Summing Up: 07 January, 2021

Date of Judgment: 08 January, 2021

Date of Sentence: 13 January 2021

SENTENCE

1. The Court found you guilty of one count of Attempted Murder, contrary to Sections 44 (1) and 237 of the Crimes Act, which carries a maximum penalty of life imprisonment. The particulars of the offence are that:

Count One

Statement of Offence

ATTEMPTED MURDER: *Contrary to section 44 and 237 of the Crimes Act 2009.*

Particulars of Offence

RAVINNATH, on the 26th January, 2018, at Lautoka in the Western Division attempted to murder **NANISE RALULU TINAI**.

2. It was proved during the hearing that you had struck the Complainant on her both legs, both hands, and the shoulders with a cane knife causing her injuries as stated in the medical report.
3. The punishment for the offence of Attempted Murder is a mandatory sentence of life imprisonment. However, the sentencing Court has been given judicial discretion to set a minimum term to be served before a pardon may be considered. To set a minimum term to be served for the offence of Attempted Murder, the Court is required to consider the aggravating and mitigating circumstances of the crime.
4. You had attacked her when she was not in a position to protect herself or escape from the danger. The injuries inflicted by this assault were severe. Accordingly, I find the level of harm and culpability of this offence is significantly high.
5. You were having a de-facto relationship with the Complainant at the time of this offence took place. By committing this crime, you have breached the trust the Complainant had in you as her partner. I find this as an aggravating factor in this offence.
6. The learned Counsel in her written mitigation submissions submitted the personal and family background of you. I do not find any significant personal or family circumstances that attract any discount in the sentencing.

7. You are not a first offender. Therefore, you are not entitled to a discount when the Court contemplates to fix the maximum term to be served. The Complainant admitted in her evidence that she provoked you by spitting on you. I find it as a mitigating factor in your favour.
8. Having considered the above-discussed factors, I sentence you life imprisonment for the offence of Attempted Murder as charged in the information. Moreover, you must serve a minimum imprisonment period of eight (08) years before you are considered for any pardon.
9. Since this incident involves domestic violence, I am satisfied that there are sufficient grounds to consider making an order under the Domestic Violence Act. I accordingly make a Permanent Domestic Violence Restraining Order against you with standard non-molestation conditions and no contact conditions pursuant to Sections 24 and 28 of the Domestic Violence Act. The above Domestic Violence Restraining Order will be in force until this Court or any other competence Court is varied or suspended it. Furthermore, if you breached this restraining order, you will be charged and prosecuted for an offence pursuant of Section 77 of the Domestic Violence Act.
10. Thirty (30) days to appeal to the Fiji Court of Appeal.



R. D. R. T. Rajasinghe

JUDGE

Solicitors:

Office of the Director of Public Prosecutions for the State

Office of the Legal Aid Commission for the Accused