

IN THE HIGH COURT OF FIJI AT SUVA
CRIMINAL JURISDICTION

Criminal Case No. HAC 111 of 2024

STATE

-v-

JOJI WAQASAQA

Prosecution Ms. B Navunicagi for the State
Accused: Ms. R Nabainivalu for the Accused

Date of Hearing: 16 August, 2024
Date of Sentence: 24 September 2024


SENTENCE

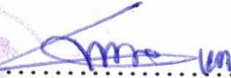
- [1] The Accused has pleaded guilty on his own accord to a charge of act with intent to cause grievous harm arising from a domestic relationship. The Accused and the victim are a married couple. Accused is 61 years old and his wife namely Enetale Tokasa is 39 years of age.
- [2] The incident occurred on 29 March 2024 at about 10.00am at Vunileba Settlement, Tacirua, Nasinu where the couple reside.
- [3] The victim's version is that her husband assaulted and stabbed her with a roofing iron cutter. She said the Accused returned home drunk. She was fast asleep when he returned. He started calling her name. She woke up and felt frightened.
- [4] The Accused then proceeded to punch her all over her body. He also kicked and stepped on her. He then took the roofing iron cutter and stabbed her on her leg, back and underneath her left ear.

- [5] According to the victim she received two stab wounds on her leg, two on her back and one underneath her left ear.
- [6] The Accused is a first offender. He pleaded guilty on the first available instance thus saving the Court's time and resources. By doing so he has also saved the victim from testifying in court and re-living the horrific attack.
- [7] This offence is serious. A weapon was used to inflict injuries on the victim. The violence was fuelled by alcohol.
- [8] The maximum penalty for act with intent to cause grievous harm is life imprisonment. The tariff range from 6 months to 5 years imprisonment depending on the nature of the weapon used and the seriousness of the injuries sustained by the victim. (**State v Mokubula** [2003] FJHC 164; HAA0052J.2003S (23 December 2003)). The purpose of this sentence is deterrence, since this offence is domestic violence. (**State v Kailoma** [2018] FJHC 763; HAC46.2017 & HAC63.2017 (21 August 2018))
- [9] In **State v Veimateyaki** [2022] FJHC 111; HAC 129.2021 (11 March 2022) an elderly offender was sentenced to 12 months imprisonment for causing physical injuries to his spouse by using an aluminium rod. The violence in that case was fuelled by alcohol.
- [10] Domestic violence is disturbingly common in Fiji. It is the duty of the court to denounce and stop domestic violence. Though I have empathy that the victim and her three children who are still in school may face financial difficulties if the Accused is incarcerated, the Accused conduct warrants a custodial term.
- [11] The Accused is convicted and sentenced to a custodial term of 12 months imprisonment. Since the Accused has been remanded in custody from 31 March, 2024, which is six months, this court reduces six months from his sentence pursuant to **section 24** of the **Sentencing and Penalties Act, 2009**.
- [12] Joji Waqasaqa, your final term of imprisonment is six months. A permanent domestic violence restraining order with standard non-molestation conditions is issued against the Accused for the protection and wellbeing of the victim.

[13] I direct the Registry to provide a copy of this sentence to the attention of the Director, Social Welfare to assist the victim and her children during the period the Accused is incarcerated.

[14] Thirty days to appeal to Fiji Court of Appeal.




Waleen M George
Acting Puisne Judge

Dated at Suva this 24th day of September, 2024.

Solicitors: Office of the Director of Public Prosecution for State
Legal Aid Commission for Respondent for the Accused