

IN THE HIGH COURT OF FIJI
AT LABASA
CRIMINAL JURISDICTION

Crim. Case No: HAC 01 of 2022

STATE

v

SONAL SANDHYA LATA

Counsel: Ms. E. Thaggard for the State
Mr. A Sen for the Accused

Date of Mitigation/Sentence Hearing: 16 April 2025
Date of Sentence: 14 May 2025

SENTENCE

1. **Sonal Sandhya Lata**, the accused, was tried, found guilty and convicted on 2 April 2025 of ***Murder*** contrary to section 237 of the Crimes Act 2009, laid out as follows in the Information by the Director of Public Prosecutions dated 28 January 2022 and filed on 1 February 2022:

Statement of Offence

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

Particulars of Offence

SONAL SANDHYA LATA, on the 14th day of June, 2020, in Boubale, Bulileka, Labasa, in the Northern Division, murdered her new born baby.

2. Plea in mitigation and sentencing hearing was held on 16 April 2025, and this is the Courts finding on sentence.

Brief Facts of the Murder

3. The accused **Sonal Sandhya Lata** is married to a Navil Chandra (PW2) and has 2 children, a daughter and a son who were respectively born in 2012 and 2014, and reside at Boubale, Bulileka, Labasa. On 15 June 2020, the accused called via phone her husband's cousin-sister Jotishna Pundit (PW5) to come over to her place, which Jotishna Pundit (PW5) obliged. Upon reaching the accused home at about 11.00am on 15 June 2020, Jotishna Pundit (PW5) sat for a while to rest and the accused then told her to cook the day's food, which she did. Jotishna Pundit (PW5) then went into the kitchen and the accused followed her from behind and sat on a chair while Jotishna Pundit (PW5) prepared to cook. Whilst in the kitchen, Jotishna Pundit (PW5) asked the accused as to why she did not cook the food, to which the accused replied that she did not cook the food because she bled heavily and had stomach pain. Jotishna Pundit (PW5) then touched the accused stomach and noticed a towel tied on top of the accused's stomach, which towel then fell off from within her dress. After the towel fell off, Jotishna Pundit (PW5) then touched the accused's stomach again and asked the accused as to how did her stomach go down when it was big, to which the accused replied for Jotishna Pundit (PW5) to first feed the husband's grandmother and then she will tell Jotishna Pundit (PW5). After Jotishna Pundit (PW5) fed the accused husband's grandmother, she then went to the accused who then told her what the accused had wanted to tell her as indicated by the accused earlier. The accused then took Jotishna Pundit (PW5) and showed her a baby wrapped in a mat and placed in the dog's house located about 12 meters away from the main house. Jotishna Pundit (PW5) then unwrapped the mat and saw the deceased baby boy, and immediately asked the accused as whose baby it is, to which the accused replied that the baby is hers. Upon lifting the deceased baby, Jotishna Pundit (PW5) saw the baby's neck fall backward and noticed a cut on the baby's neck, and the accused then said that while cutting the umbilical cord which was around the baby's neck, she instead cut the baby's neck. The accused then took the baby from Jotishna Pundit (PW5), wrapped it in a white cloth, put it in a Maggi bag and placed it over a gas tank at the house. Jotishna Pundit (PW5) then went to

her home and called her uncle Rajesh Chandra (PW1) who is the accused's father-in-law via phone and informed him of what had happened. Rajesh Chandra (PW1) then called his son Navil Chandra (PW2) who is the accused's husband to go and check out at their home based on what Jotishna Pundit (PW5) had told him, to which Navil Chandra did. Upon reaching the house at Boubale, Jotishna Pundit (PW5) then told her cousin-brother Navil Chandra (PW2) that his wife the accused had delivered a baby boy and cut the baby's neck. Upon hearing this, Navil Chandra (PW2) began crying and the accused remained silent. At this point in time the Maggi bag containing the deceased baby was placed on top of the gas cylinder in the kitchen. Thereafter Jotishna Pundit (PW5) took the accused for her bath, and a Deva Nand called the police who arrived at the house after 15 to 20 minutes later. The accused was then arrested by the police, interviewed under caution, and subsequently charged with *Murder* at the Labasa Police Station.

The police took the deceased baby to the Labasa hospital, which was initially examined by Dr. Kaloanau Saukilagi (PW3) prior to being taken to the mortuary for safe keeping and postmortem. Dr. Kaloanau Saukilagi (PW3) noted that the baby she examined was deceased as it was not spontaneously breathing with no signs of life, and had lacerations on the scalp and *anterior aspect* of the neck. Prior to the examination, Dr. Saukilagi (PW3) noted that the baby was covered in a piece of cloth and placed in a plastic bag.

The postmortem was conducted on 18 June 2020 by Dr. Daniella John (PW8), Senior Forensic Pathology Registrar, who opined that the cause of the baby's death was *Exsanguination* which is excessive severe blood loss as a result of the incised wound to the neck. Refer to Postmortem report [PE2].

Dr. Penaia Dimuri (PW9) medically examined the accused on 16 August 2020 and found that the accused had palpable *uterine fundus* which is suggestive of *postpartum uterus*, that is, the way the uterus feels after delivery, and on specular examination of the cervix using a specular, he noted that the cervix looked like a postpartum cervix, leading to the opinion that the accused had a normal vaginal birth or delivery.

Nacanieli Gusu (PW10), Forensic Biologist / Scientific Officer at the Forensics Biology and DNA Laboratory based in Nasese, Suva, found that there was 50% match of the accused's DNA profile with that of deceased baby X, confirming that the accused is the biological mother of deceased baby X; however, the matching of the DNA profiles of Navil Chandra (PW2) and deceased baby X did not come to 50%, thus excluding Navil Chandra (PW2) as the biological father of deceased baby X.

Sentence for Count 1 - Murder

4. **Murder** is contrary to section 237 of the Crimes Act 2009, and the penalty is '*[m]andatory sentence of imprisonment for life, with a judicial discretion to set a minimum term to be served before pardon may be considered*'.
5. Pursuant to section 237 of the Crimes Act 2009, the penalty of life imprisonment for *Murder* is fixed in law, however, this Court must determine what minimum term or non-parole period to set in accordance with the steps enunciated by the Fiji Court of Appeal in Tevita Vuniwai v State [2024] FJCA 100; AAU176.2019 (30 May 2024), at paragraphs 91 - 121.
6. Relying on the steps prescribed by the Fiji Court of Appeal in Tevita Vuniwai v State (supra), for the *Murder* in this instant, I find as follows:

Step 1 – Category of seriousness of the Murder

The category of seriousness of the *Murder* in this case is '**Low**' justified by the fact that Sonal Sandhya Lata while giving birth, murdered her new born baby, which category according to the table at paragraph 91 of Tevita Vuniwai v State (supra) deserves a starting point of 8 years imprisonment, and minimum term range of 5 – 15 years imprisonment.

Step 2 – Aggravating and mitigating factors

With the starting point of 8 years imprisonment, 3 years is added due to the **aggravating factors** in that the accused Sonal Sandhya: i) covertly gave birth to a baby boy and murdered the newly born baby by cutting its neck when attempting to cut the umbilical cord which was around the baby's neck; ii) concealed her pregnancy even from her husband and instead said that she had a stomach cyst; iii) was reckless in terms of taking immense risk by not attending pregnancy medical clinics during the gestation period as required of pregnant women, and concurrently endangering her own life as well.

Of the 11 years imprisonment, 2 years is deducted for the **mitigating factors** taking into consideration that the accused Sonal Sandhya Lata is 38 years old, married with two children aged 12 and 10 who are in primary school, domestic duties, a community worker and volunteer at the Labasa branch of the Red Cross Society, has no prior conviction and cooperated with the police.

Step 3 – Guilty plea

Sonal Sandhya Lata pleaded *not guilty* to the *Murder* charge, tried, found guilty and convicted accordingly.

Step 4 – Time served on remand

The learned magistrate granted bail on 2 December 2021 and also gave the transfer order to the High Court, and Sonal Sandhya Lata has been on bail since then until remanded in custody on 2 April 2025 upon being convicted of *Murder* and also to await sentencing. On that basis I make no particular deduction for time spent on remand bearing in mind section 24 of the Sentencing and Penalties Act 2009.

Step 5 – Proportionality

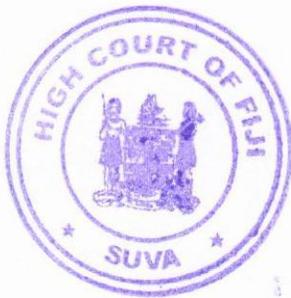
The 9 years arrived at is within the minimum term range of 5 – 15 years imprisonment for this *Murder* being categorized as 'Low' in terms of seriousness as per step 1.

7. Therefore, for murdering her newly born baby boy, Sonal Sandhya Lata is sentenced to life imprisonment, with a minimum term of 9 years imprisonment.

CONCLUSION

8. **Sonal Sandhya Lata** stands convicted for ***Murder*** contrary to section 237 of the Crimes Act 2009 in the Information by the Director of Public Prosecutions dated 28 January 2022 and filed on 1 February 2022, and hereby sentenced to **life imprisonment**, with the **non-parole period of 9 years imprisonment**.

9. Thirty (30) days to appeal to the Fiji Court of Appeal.



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Hon. Mr. Justice Pita Bulamainivalu
PUISNE JUDGE

At Suva

14 May 2025

Solicitors

Office of the Director of Public Prosecutions for the State.

Sen Lawyers for the Accused