

IN THE HIGH COURT OF FIJI

AT SUVA

[CRIMINAL JURISDICTION]

CRIMINAL CASE NO. HAC 029 OF 2023

BETWEEN : **STATE**

AND : **ANISH LAL SHIU JATTAN**

Counsel : **Mr S Seruvatu with Ms T Vakaloloma for the State**
Mr T Varinava with Mr A Prasad for the Accused

Date of Hearing : **7 & 8 April 2025**

Date of Judgment : **6 June 2025**

Date of Sentence : **13 June 2025**

SENTENCE

- [1] Anish Lal Shiu Jattan, you were tried for the murder of Ronal Ritnesh Kumar. However, the court found that you were not guilty of Murder but guilty of the lesser offence of Manslaughter. The court held that, while you may not have realized that your conduct would cause death for you to be guilty of murder, you did realize that your conduct would result in serious harm to the deceased when you assaulted him on 11 December 2022 at Uluitoa settlement in Wainibuku.
- [2] The maximum sentence prescribed for manslaughter is 25 years imprisonment. This sentence reflects the seriousness of the crime. As this Court observed in *State v Ketenilagi Cr Case No HAC51 of 2018* at [1]:

Any conduct that takes away the life of an innocent person must be denounced in the strongest term. In other crimes the court will have

seen and heard the victim in order to assess the impact of the crime but in manslaughter cases that is not possible because the loss is a human life. The impact of loss of a life is borne by the victim's family. They will have to live only with the memories, never to see the victim again.

- [3] The deceased was 37 years old at the time of his death. The circumstances of the killing are that you were at the deceased's house drinking grog with some other males when the deceased returned home intoxicated. When he saw his de-facto partner entertaining guests in their house in his absence, he became upset and started to swear using obscene language and telling the guests to leave.
- [4] After seeing the deceased getting loud, a relative took the deceased outside to calm him down. However, the deceased continued to use obscene language and insisted that the guests leave his house immediately.
- [5] You took exception to the deceased's swearing and command for the guests to leave his house. You came out of the house and confronted the deceased. You swore at him and struck multiple blows to his head with your fist. When the deceased fell, you either kicked or stomped on him. The deceased did not get up.
- [6] A relative intervened and confronted you. You showed no sympathy. You told the relative to take the deceased to the hospital and, once he recovered, to bring him back so that you could hit him again.
- [7] The deceased died of hemorrhaging in his brain within thirty minutes after you inflicted blunt force trauma to his head.

- [8] You are 35 years old, married and worked as a carpenter before you were remanded in custody. You have spent two months in custody on remand. You have nil previous convictions.
- [9] I consider your previous good character to be the only compelling mitigating factor. Otherwise, you have expressed very little remorse for your conduct.
- [10] The attack on the deceased was senseless. There was little provocation. He was merely hurling abuse at those inside his house to leave. The duration of the assault was short but multiple blows were struck to the deceased's head which is a sensitive part of a human body. The multiple assault aggravates the offending.
- [11] A custodial sentence is inevitable. It serves to denounce your conduct and deter you and other like-minded people from using violence to solve differences with another human being.
- [12] I pick 8 years' imprisonment as a starting point, add 1 year for the aggravating factor and reduce 2 years for previous good character and remand period.
- [13] You are sentenced to 7 years' imprisonment with a non-parole period of 5 years. If you demonstrate good behavior in prison, you may be released after serving 5 years.



Hon. Mr Justice Daniel Goundar

Solicitors:

Office of the Director of Public Prosecutions for the State

Legal Aid Commission for the Accused