

**MARK BALE**

v.

**REGINAM**

[COURT OF APPEAL, 1967 (Mills-Owens P., Gould J.A., Marsack J.A.),  
5th July]

Criminal Jurisdiction

*Criminal law—sentence—rape—no circumstances of aggravation—no evidence offence  
prevalent—appropriate sentence.*

A sentence in the British Solomon Islands Protectorate of nine years' imprisonment for rape committed without circumstances of aggravation or evidence indicating that the offence was prevalent was reduced to one of six years' imprisonment.

Appeal against sentence passed by the High Court of the Western Pacific for the offence of rape.

R. L. Regan for the appellant.

T. U. Tuivaga for the respondent.

Judgment of the Court: [5th July 1967]—

This case differs from other cases which have been before this Court from the British Solomon Islands Protectorate in that no weapon was used and there were no circumstances of aggravation beyond those necessarily attendant on the offence. For the offence of rape committed without circumstances of aggravation — and in the absence of any evidence or information indicating a prevalence of this type of offence — we are of the opinion that the appropriate sentence is one of six years' imprisonment.

Accordingly the appeal is allowed and a sentence of six years' imprisonment substituted for the sentence of nine years' imprisonment; the sentence to be served concurrently with the sentence of two years' imprisonment passed for the offence of burglary.

*Appeal allowed.*