

IN THE MAGISTRATES' COURT OF FIJI
AT NASINU

Criminal Case No: - 1392/2022

STATE

V

VANEET RANESH SHARMA

For the Prosecution: PC Buli

The accused: In person

Date of Sentence: 08th of April 2025

SENTENCE

1. Vaneet Ranesh Sharma, you have pleaded guilty to one count of Assault Occasioning Actual Bodily Harm, contrary to section 275 of the Crimes Act.¹
2. The admitted facts reveal that on 15th October 2022, you assaulted your wife, who was six months pregnant at the time. Upon returning home from work, an argument ensued between the parties, during which you punched the victim in the chest, followed by another punch to her stomach. Medical report tendered to the court confirms that the victim sustained physical injuries as a result of the assault.
3. I am satisfied that your guilty plea was made voluntarily and unequivocally. Accordingly, I convict you of this charge.
4. Under section 275 of the Crimes Act, the offence of Assault Occasioning Actual Bodily Harm carries a maximum penalty of five years' imprisonment.
5. In *Matai v State*² His Lordship Justice Madigan noted that the sentencing tariff for domestic violence-related assaults causing actual bodily harm ranges from six to eighteen months' imprisonment.
6. Given the domestic nature of the offence, I have considered section 4(3) of the Sentencing and Penalties Act³, which requires sentencing courts to take such factors into account when determining an appropriate sentence.

¹ No 44 of 2009.

² [2018] FJHC 25; Criminal Appeal 108.2017Ltk (26 January 2018).

³ No 42 of 2009.

7. In *Laisiasa Koroivuki v The State*⁴, the Court of Appeal of Fiji articulated the principles to be applied in determining the starting point of a custodial sentence as follows:

"In selecting a starting point, the court must have regard to an objective seriousness of the offence. No reference should be made to the mitigating and aggravating factors at this time. As a matter of good practice, the starting point should be picked from the lower or middle range of the tariff. After adjusting for the mitigating and aggravating factors, the final term should fall within the tariff. If the final term falls either below or higher than the tariff, then the sentencing court should provide reasons why the sentence is outside the range".

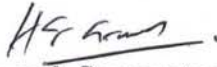
8. Having considered the objective seriousness of the offence, I select a starting point of six (6) months' imprisonment.
9. As aggravating factors, I note that the victim was six months pregnant at the time of the offence and that you struck her in the stomach, thereby endangering the unborn child. For these factors, I add an additional six (6) months, raising the sentence to twelve (12) months' imprisonment.
10. In mitigation, I take into account that you are 31 years old, currently divorced, and have no previous criminal convictions. For these mitigating factors, I reduce the sentence by three (3) months, resulting in a term of nine (9) months' imprisonment.
11. You pleaded guilty nearly three years after your first court appearance. As such, I grant only a further reduction of one (1) month, bringing the final sentence to eight (8) months' imprisonment.
12. I must now consider the applicability of a suspended sentence pursuant to the Sentencing and Penalties Act.⁵
13. However, given the gravity of your offending—particularly the fact that you assaulted your pregnant wife, thereby risking the safety of her unborn child—I find that a custodial sentence is necessary to adequately denounce and punish your conduct.
14. Nonetheless, I am mindful that you have no prior convictions and that your guilty plea has spared the court's resources and spared the victim the further trauma of giving testimony in court.
15. Accordingly, I impose a partially suspended sentence in this case.
16. You are to serve five (5) months of the eight (8) months' sentence in a correctional facility. The remaining three (3) months are suspended for a period of three (3) years.
17. The terms and implications of the partially suspended sentence have been explained to you.

⁴ [2013] FJCA 15; AAU0018.2010 (5 March 2013).

⁵ s26(2) (b), Sentencing and Penalties Act 2009.

18. In view of the separation between you and the victim, and in the interest of the victim's safety, a Domestic Violence Restraining Order is hereby issued. This order includes standard non-molestation and non-contact conditions.⁶

19. 28 days to appeal.


Shageeth Somaratne
Resident Magistrate



⁶ S27;s29, Domestic Violence Act 2009.