

**IN THE MAGISTRATES' COURT OF FIJI**  
**AT RAKIRAKI**  
**[CRIMINAL JURISDICTION]**

**Criminal Case no: CF 371/25**

**STATE**

**v.**

**SANAILA SUMO**

**For Prosecution:** A/Cpl I Ali

**For Accused:** Present with Ms S Ali

**Plea:** 12<sup>th</sup> March 2026

**Conviction:** 27<sup>th</sup> March 2026

**Sentence:** 27<sup>th</sup> March 2026

**SENTENCE**

**Order:** The name of the victim (L.M) is suppress to protect her privacy because she was 17years old at the time of the offending in November 2025.

1. **Sanaila Sumo** [hereinafter referred to as '**Accused**'] is charge with *one count of **Assault Causing Actual Bodily Harm***: contrary to section 275 of the Crimes Act 2009.
2. You received a full set of disclosures from the police prosecutor. You preferred the *Fijian* language. You are represented by a LAC counsel.
3. Section 154 of the Criminal Procedure Act 2009 deals with the Court to promote reconciliation:

*154. — (1) In the case of any charge for an offence of common assault or assault occasioning actual bodily harm or criminal trespass or damaging property the court may, in such cases which are —*

*(a) substantially of a personal or private nature; and*

*(b) not aggravated in degree —*

*promote reconciliation and encourage the settlement of the proceedings in an amicable way, on terms of payment of compensation or on other term approved by the court, which may involve —*

*(i) the giving of an apology in any appropriate manner;*

(ii) the giving of a promise or undertaking not to re-offend, or to respect the rights and interests of any victim;

(iii) mandatory attendance at any counselling or other program aimed at rehabilitation; or

(iv) a promise or undertaking to alter any habits or conduct, such as the consumption of alcohol or the use of drugs. (my underlining)

(2) A court shall only proceed in accordance with sub-section (1) if it is satisfied that it is in the interests of any victim of crime to proceed in such a manner, and the court shall ensure that the victim of the violence does not submit to any proceedings being undertaken in accordance with this section by reason of pressure being exerted in any form.

(3) Upon proceeding in accordance with this section the court may then —

(a) order the proceedings to be stayed for a specified period of time upon the offender entering into any bond to comply with the terms imposed by the court under sub-section (1); or

(b) dismiss the proceedings.

...

(6) This section does not apply to offences of domestic violence as defined by the Domestic Violence Act 2009.

4. You are a teacher by profession and the victim – L.M is student from the same school that you taught so I will not promote reconciliation because the offending is not private in nature and it happened in the school compound.
5. In the presence of your counsel, the charge read, explained, understood by you and pleaded guilty to the charge, on your own free will. You understood and admitted to the Summary of Facts read (translated in Fijian language) to you in Court.

**[Summary of Facts]**

On 14/11/25 between 2am and 3am at Navesau Adventist High School dormitory, the victim and her friends walked from Dorm 1 to Dorm 2. The accused saw them and called them out but the victim kept on walking. The accused called out the victim and beat her back, with a mop stick for several times. The victim sustained injuries. The victim went home and told her parents of what happened to her. The victim reported the matter at

*the Lami Police Station and she had her medical examination. The accused confessed in his caution interview.*

6. The prosecutor tendered the victim's medical report as prosecution evidence. The medical report of the victim show that the victim sustained *8 x 8cm bruise on left buttock, linear marks 5cm long on bilateral posterior thigh and left wrist bruise with pain on palpation and decolorized* as the result of your assault.
7. I am satisfied with your guilty plea to the charge and your admission to the Summary of Facts in support of the charge. I find you guilty as charged. Your counsel asked for non-conviction because of your work and you are a first offender.
8. In, ***Bulavakarua v Ministry for Education***, Heritage and Arts [2019] FJHC 947; ERCC 17 of 2018 (27 September 2019), Justice Wati discussed about the policy on corporal punishment issued by the Ministry the Education:

...

45. I think it is very essential that I recite the essential parts of the circular which was issued from the Permanent Secretary for Education, Heritage and Arts to the Divisional, District Offices, All School Heads and HR Staff:

***"Dear Colleagues***

***1.0 As you are aware, the Government has a zero tolerance approach to corporal punishment in our schools and all teachers and employees of the Ministry must comply with this. This is in line with the Convention on the Rights of a Child which Fiji ratified in 1993.***

***2.0 Please note our policies available on our website specifically:***

- Policy on Child Protection in Schools.
- Policy on Behaviour Management in Schools.

***3.0 Where an allegation is received that a teacher or other staff member has imposed corporal punishment on a student, this will be treated as a serious misconduct issue and we will immediately investigate the matter in accordance with the Public Service Discipline Guidelines. The matter should also be reported to the local police post for investigation and possible criminal charges.***

***4.0 Any staff member of the Ministry who becomes aware of an incident of corporal punishment has an obligation to report the incident immediately to the Head of the School, the District office or the Manager – Performance and Discipline in the HR Department.***

**5.0 All staff are reminded of our joint responsibility for ensuring that the welfare and wellbeing of all students are protected at all times”.**

9. The intention of the Ministry of Education from 1993 is clear that no corporal punishment.

10. In, **State v Krishna** [2007] FJHC 26; HAA040.2007 (10 September 2007) the accused was a teacher and he was charged for common assault on a student. The Magistrate ordered for a discharged on the accused. The State appealed the decision of the learned Magistrate and the High Court overturned the discharge order, convicted the accused and ordered to pay a fine. Justice Winter made the following remarks:

...

[10] The Convention on the Rights of the Child forms an international basis for ensuring the rights and protection of children. Violence against children persists as a permanent threat where authoritarian relationships between adults and children remain. The UN regional conference on Violence against children (held in Suva in 2005) made the following pertinent observations.

[11] Addressing violence against children requires us to recognize children as fully-fledged rights holders. Children have to be guaranteed their right to physical, mental and sexual integrity as well as their dignity.

[12] The belief that adults have unlimited rights in the upbringing of a child compromises any approach to stop and prevent violence committed within the home or school or state institution. For lasting change, attitudes that condone or normalize violence against children need to be challenged.

[13] Children have the right to be protected from all acts of violence the same way adults are. In view of their relative vulnerability, however, children are also recognized with special protection measures. Any form of violence – even light – cannot be justified including violence as a form of discipline. Kofi Annan the former United Nations Secretary-General once observed that "*Violence against children is never justifiable. Nor is it inevitable. If its underlying causes are identified and addressed, violence against children is entirely preventable*"

11. In, **State v Devi** - Sentence [2025] FJMC 90; Criminal Case 412 of 2022 (4 February 2025), RM Nasedra discussed on the issue of entering a conviction or not to an accused that is a teacher:

...

[12] This Court is assisted by the provisions of the **Fiji Teachers Registration Act 2008** under Section 32 which deals with '**Disciplinary Actions on Convictions**' and I reproduce it below;

...

32 (1) If a registered teacher is convicted of an offence in Fiji, the Commissioner of Police or the Director of Public Prosecutions shall cause to be sent to the Board a written notice stating the name of the registered teacher, the nature of the offence and the penalty imposed by the Court.

(2) A registered teacher who is convicted of an offence in another country must, within 28 days after conviction notify the Board, in writing of –

- (a) the conviction; and
- (b) the circumstances in which the offence was committed.

(3) When the Board receives a notice under subsection (1) or (2), the Board may –

- (a) caution the teacher; or
- (b) if it is of the opinion that the circumstances of the offence render the teacher unfit to teach –
  - (i) suspend the teacher's registration for any period, and subject to any conditions; it considers appropriate; or
  - (ii) cancel the teachers registration

(4) The Board, on suspending the registration of a teacher under subsection (3) (b) (i), may substitute a provision registration for any period, and subject to any conditions, the Board thinks fit.

[13] In being guided by the above provision, the Court finds that the impact of recording a conviction on the offenders' employment prospects may not be gravely affected to the extent that the defence submit. Section 32 of the **Act** (aforementioned) reveals three options of reprimand left to the Ministry concerned. I cannot accept the premise that this Court is to consider what may or may not happen to your employment contract with no certainty of its result from your part, to avoid any form of punishment that this Court will pass against you.

**12.** The Court notes that you are a first offender, early guilty plea, confessed to the police but the victim was a 17years old student of the same school and you used the mop stick to beat

the victim. Therefore, in considering Section 16 of the Sentencing and Penalties Act 2009, I will refuse the application for a non-record of a conviction on you. I order that for a recording of a conviction on you.

13. The maximum sentence for **Assault Causing Actual Bodily Harm** is 5years imprisonment.
14. The tariff for Assault Causing Actual Bodily Harm where there is no domestic relationship ranges between absolute or conditional discharge to 12months imprisonment (**State v. Tugalala** [2008] FJHC 78; HAC 25S of 2008S (29 April 2008)) and suspend sentence to 9months imprisonments (**State v Anjula Devi, Criminal Case No. 04 of 1998 Lab.**)”
15. In **Naqialawa v. State** [2017] FJHC 484; HAA 15 of 2017 (29 June 2017) His Lordship Justice Perera (as he was then) suggested “...3months would appropriately reflect the objective seriousness of the offence of assault causing actual bodily harm under section 275 of the Crimes Act.”
16. The aggravating factors are:
  - *the teacher (acting assistant principal) and student relationship that you have authority over the victim;*
  - *breach of trust*
  - *armed with a mop stick*
  - *cause an embarrassment of the victim when you beat her in the presence of her peers that night.*
17. The mitigating factors are:
  - *you being a first offender,*
  - *you taught in the school since 1992*
  - *you cooperated with the police,*
  - *you promise not to re-offend,*
18. You are a first offender so the Court will regard you to be of good character.
19. For the early guilty plea, you have saved the court and prosecutions time to run a full hearing so full discount (1/3) to the sentence.
20. In sentencing you, the Court takes into account the factors outlined in section 4 (1) - (2) of the Sentencing and Penalties Act, 2009.
21. Taking into consideration the objective seriousness of the offence of **ACABH** because of its maximum sentence and its tariff, the Court picks a starting point of 3months imprisonment and I add 8months for the aggravating factor so the interim sentence is 11months imprisonment. I deduct 4months for the mitigating factors so the interim sentence is 7months imprisonment. I further deduct 3months for the early guilty plea so the sentence is 4months imprisonment.
22. I'm mindful of section 26 (2), (b) of the Sentencing and Penalties Act 2009 that I have the discretion to suspend the final sentence when it is below 2 years imprisonment.

23. The court looks at the sentencing remarks of Goundar J in **Balagan v State** [2012] HAA 31/11S 24 April 2012 at [20] in considering to suspend a sentence:

'Whether an offender's sentence should be suspended will depend on a number of factors. These factors no doubt will overlap with some of the factors that mitigate the offence. .... The final test for an appropriate sentence is – whether punishment fits the crime committed by the offender?' (my underlining)

24. The court denounces your action on the victim because she is a student and a child. You must learn to control your anger. The victim is not your property.
25. Nowadays, corporal punishment is a practice that can lead to a criminal charge. I am sure that there are alternative ways that you can teach, mold a student to be productive in school, outside of school and become a law-abiding citizen.
26. Considering your criminality, I impose a wholly suspend sentence.
27. You are sentence to **4months imprisonment, suspend for 2years.**
28. Furthermore, you must not commit another offence within 2years or you may be charge for **Breach of Suspended Sentence** contrary to section 28 of the Sentencing and Penalties Act 2009. If the court convicts you for the said offence, the sentencing court may active the suspended sentence in paragraph **26. 27 Tm**
29. The assistant court officer will explain to you the meaning of a suspend sentence (explained).
30. The \$300 cash bail paid on 21/11/25 is to refund to you within 30days and provide your bank details to the Court registry.
31. Bail conditions discharge.

**28 days to appeal to the High Court**



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**T. B. Qalinauci**  
**[Resident Magistrate]**



**Divisional Prosecuting Officer/Western  
LAC**