

**IN THE CENTRAL MAGISTRATE'S COURT
OF SOLOMON ISLANDS**

Criminal Jurisdiction

Criminal Case No: 425 of 2024

On the 18th day of February 2025
Before Deputy Chief Magistrate, Ricky Rongomea



Public Prosecutor: Herrick Lautalo

Defence Counsel: Bobby Harunari for Anna Vathagi,
Ron Dickey Pulekera for Lisa Kope.

BETWEEN:	REGINA	Complainant
AND:	ANNA VATHAGI	Accused
AND:	LISA KOPE	Accused

SENTENCE

Introduction:

The defendants appear in court this morning for sentencing after pleading guilty to one count of Common Assault under Section 244 of the **Penal Code**, as read with Sections 21(a) of the **Penal Code** (Anna Vathagi) and 21(c) of the **Penal Code** (Lisa Kope).

The Prescribed maximum penalty:

The offence carries a maximum penalty of one year imprisonment.

The facts:

The incident took place on July 2, 2024, between 10:00 AM and 11:30 AM at the GPPOL 2 Tetera Estate Office Compound. It arose from a dispute related to an arrangement made by the victim for the husband of defendant Anna Vathagi to engage in a sexual affair with another woman.

On the day of the incident, while the victim was preparing chemicals for spraying, the two defendants confronted her. Lisa Kope grabbed the victim's hand firmly and said, "Iu nao ya," while Anna Vathagi seized her right hand and struck her forehead with a stone. The victim sustained a minor injury that was not severe.

The defendants were arrested on August 12, 2024, and released on bail the same day. The issue has since been resolved through reconciliation between the parties at Teter Police Station, where the defendants compensated the victim with \$500.

These facts were agreed upon by both the Defence and the Prosecution.

The aggravating and mitigating factors discussed:

The aggravating factors in this case stem from the defendants' inability to control their anger, which led them to deliberately plan an encounter with the victim that escalated into a physical assault. During the attack, a stone was used to strike the victim on the forehead, causing a minor injury. The facts is silent as to the size of the stone.

It is important to recognize that there are lawful and non-violent ways to address suspicions or allegations regarding sexual or extramarital affairs. Resorting to physical violence in any situation is not only unjustifiable but also constitutes a criminal offense. Those who engage in such conduct must be prepared to face legal consequences, including sentencing, if found guilty.

Regarding mitigating factors, the defendants have entered guilty pleas at the earliest possible stage of the proceedings. This demonstrates their remorse and their acknowledgment of responsibility for their actions.

Additionally, the Court has been asked to take provocation into account as a mitigating factor. However, in my assessment, this argument is not compelling in this particular case. The circumstances of the offending suggests that the offence was premeditated, rather than an immediate reaction to provocation. Given the deliberate nature of the act, the submission of provocation carries no weight in mitigating the offending.

The Defendants are first-time offenders, and I have carefully considered their unique personal circumstances when determining the appropriate sentences to be imposed.

Comparative cases:

The Court has been presented with several comparable cases in submissions tendered by parties where my fellow magistrates have imposed a range of sentences. These have varied from monetary fines to custodial sentences, depending on the specific details and severity of each case.

Appropriate form of punishment:

It is important to emphasize that each case must be assessed based on its own distinct facts and circumstances. While the law prescribes imprisonment as the

standard penalty for this particular offence, Section 24(3) of the **Penal Code** allows for judicial discretion. This provision permits the court to impose a fine either as an alternative to imprisonment or in addition to it, depending on the specifics of the case.

Sentence orders:

Having assessed the facts, the aggravating and mitigating factors, I am of the view that the appropriate sentences to be imposed in this case are fines. I sentence the defendant Anna Vathagi to a fine of \$1,500.00. In default, two months imprisonment. I sentence the defendant Lisa Kope to a fine of \$1,000.00 and in default, two months imprisonment.

The fines are payable by close of business today.

The Court,


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Ricky Kongomea - DCM

