

IN THE CENTRAL MAGISTRATES COURT)
OF SOLOMON ISLANDS

Case Number: 545 of 2025

Held at Honiara

(Criminal Jurisdiction)

BETWEEN:

REX

AND:

ABEL KOMA

Date of Plea: 25 July 2025

Date of Submission: 25 July 2025

Date of Sentence: 12 September 2025

Prosecutor: Counsel Nickson Tonowane (ODPP)

Defence: Counsel Wally Hatingongo (PSO)

SENTENCE

1. The 23-year-old-defendant, Abel KOMA was charged with one count of *Grievous Harm* contrary to section 226 and one count of *Intimidation* contrary to section 231(1), both provisions under the *Penal Code, Cap 26*.
2. He pleaded guilty to both counts in the charge, and is now before this court for his sentence.
3. The offence of *Grievous Harm* states:

“Any person who unlawfully does grievous harm to another is guilty of a felony, and shall be liable to imprisonment for **fourteen years**.”
4. The offence of *Intimidation* states:

“Any person who intimidates or molests any other person shall be guilty of an offence and liable to **imprisonment of three years**.”
5. The maximum penalty in both counts is an indication of a serious offence.
6. The defendant and the victim were married under custom, and have an 8-month-old child at the time of the offending.
7. The incidents on both counts occurred simultaneously between 9:00AM and 10:00AM on 21 March 2025.

Pre-attack

8. The defendant and the victim, along with their child, went to their garden to spray cucumbers. However, their plans changed along the way because the victim's grandmother had taken the knapsack sprayer. The defendant then went to buy rice from another village while the victim and their baby waited for him at her aunt Samantha Matesonia's house. While they were waiting, the victim harvested pumpkin leaves.
9. Upon returning, the defendant noticed their child crawling unattended while Samantha was occupied with her own child. He waited and called for the victim, who was about 20 meters away from Samantha's house. She soon came from the garden with the tips of pumpkin leaves. They sat together for a while before walking back to their home.
10. On their way, they stood under an Abalolo tree, and the defendant asked the victim why she had not thought about their child, who was left unattended at Samantha's house. She explained that she was weeding the garden when she heard him calling for her, so she took the pumpkin leaf tips and went back. In frustration, she swore at him and accused him of being jealous for no reason.

The offending

11. At that moment the defendant raised a *long bush knife* in his right hand and swung it at her while she was carrying their baby. The knife narrowly missed her as she ducked when it was swung. The defendant seized the parcel of pumpkin leaf tops that the victim had harvested earlier and chopped it up with a knife right in front of her. The victim felt terrified.
12. The defendant approached the victim aggressively and without any utterance, raised the knife, and swung it at her. In an attempt to shield the baby, the knife struck her right hand, cutting three of her fingers. Two of fingers were instantly amputated and fell to the ground, while the third was left hanging by a strip of skin. She bled profusely and was in severe pain.

Post-attack

13. After attacking the victim, the defendant threw the knife away and apologised to the victim. They returned home and the victim told her mother about the incident. It was her mother took her to her house and later took her to the Good Samaritan Hospital (GSH) where she was admitted for two days.
14. The victim expressed her sadness in losing her two fingers.

Medical Report

15. The medical report revealed that the victim was presented with amputation injuries to the third and fourth fingers of the right hand, and a laceration to the second (index)

finger. The victim was taken to the operating theatre and a bone shortening and secondary wound closure was performed on her. The injuries she sustained has permanently disfigured the affected fingers and impaired the normal function.

Compensation

16. The defendant's family later compensated the victim's family by giving one pig and \$300.00, and a \$100 to assist her with treatment at GSH, this is confirmed in the letter tendered to court dated 2 June 2025 by the Tasiboko Ward House of Chiefs Secretary, Mr Vincent Sukulu. I echo what Her Worship, Emma Garo, then expressed in *R v Bogese*¹:

“Reconciliation plays an important role in rebuilding broken relationship. The courts have recognised the role of customary reconciliation to restore peace in Communities. However, the court must remind itself to give due weight to reconciliation as a mitigating factor so as to avoid people thinking they can get away from being given due punishment.”

Antecedent and Personal Circumstances

17. The defendant is 23 years old and is from Betagura Village in North East Guadalcanal where he resided with his family prior to the offending.
18. The defendant is married to the victim under custom, although there is no evidence presented to support the validity of the customary marriage. I consider them a couple who are in a relationship and have a child who is approximately 8 to 9 months old.
19. I have been informed that although the defendant does not have formal employment, he supports his family through gardening and selling cocoa. I appreciate his efforts as a father, but there is no evidence to suggest that his family cannot survive and thrive without him.
20. The defendant has no record of previous conviction, he is therefore a first-time offender.

Mitigating Factors

21. The defendant entered an early guilty plea to both counts in the charge against him, and I commend him for that. By pleading guilty at the earliest opportunity, he has saved the court time and resources that would have been used in a full trial. Additionally, this has spared the victim from having to recount the incident during her testimony at trial, which can be a traumatizing experience. I acknowledge that his guilty plea indicates he is remorseful and regrets his actions on 21 March 2025.
22. In addition to the defendant's early guilty plea, he has acknowledged his wrongdoing by apologizing to this court during Allocutus.

¹ R v Reginald Divine Bogese, Unreported Criminal Case Number 109 of 2021.

23. The defendant has cooperated with Police during the course of the investigation and his arrest.
24. As indicated above, compensation has been made to the victim's family. Defence submitted on the reason for committing the offence on the victim. The defendant reacted after the victim swore at him, by being armed with such a dangerous weapon, and cut the victim's fingers. This court does not consider such a reaction to be a valid justification for attacking a vulnerable, unarmed young woman. This reason is unacceptable. I reject this explanation because the defendant's actions are cowardly, unwarranted, and unjustified. There was no need for him to use a knife to make his point.

Aggravating Feature

25. I have considered all the aggravating factors presented by the prosecution and would like to highlight the following additional points:
 - a. The use of a knife, which is a lethal weapon, is classified as extremely dangerous and poses a significant threat of serious harm to the victim. The use of such a weapon clearly warrants a custodial sentence.
 - b. Furthermore, the defendant attacked the victim while she was carrying their 8-month-old child. This decision was particularly reckless, as the defendant showed no regard for his surroundings or for the potential consequences for the child. If the victim had not shielded her child from the knife, the situation could have been far worse, possibly resulting in harm to the child.
26. The expectation of a father, partner, or husband is to protect his family from harm and danger. Instead, the defendant did the opposite by bringing harm and danger to his own family.
27. The victim is left with two amputated fingers on her right hand. Her ability to fully utilise her hands have been diminished and permanently disfigured. She will not be able to use her hand as effectively as she did previously. This will significantly impair her ability to perform tasks effectively.
28. The sentence I impose now must deter the defendant from reoffending in the future. It should also serve as a warning to others who may share similar tendencies that the courts will not tolerate such behaviour. Families, especially the vulnerable, must feel safe and protected in their own communities, let alone, in their own homes.
29. I have considered the cases that were submitted by the Prosecutor and the Defence Counsel and I am satisfied that a custodial sentence is appropriate in these circumstances.

30. I have taken into account all the mitigating factors and the aggravating factors. I want to emphasize that both offences occurred in the presence of a child, an innocent 8-month-old infant caught in the middle of her parents' issues that led to her mother being seriously harmed and suffers from permanent disfigurement.

31. I therefore impose the following sentence:

- a. Count 1: I impose a starting point of 3 years imprisonment. Given his early guilty plea. I reduce 9 months which is a discount of 25% from the starting point. The resulting sentence for count 1 is 2 years, 3 months imprisonment.
- b. Count 2: I impose a sentence of 2 years imprisonment for the offence of Intimidation.
- c. Given the commission of both offences in the same circumstance and facts, a concurrent sentence is hereby ordered.
- d. The defendant is therefore ordered to serve 2 years and 3 months imprisonment at the Rove Correctional Centre.
- e. The defendant has been in custody since 21 May 2025; therefore, his sentence is backdated to commence 21 May 2025.
- f. Right of appeal applies to any aggrieved party within 14 days from today.
- g. Order accordingly.



THE COURT

Principal Magistrate Elma Veenah Rizzu Hilly