

(Criminal Jurisdiction)

PUBLIC PROSECUTOR

VS.

DOUGLAS DIN

Mr Justice Oliver A. Saksak
Mrs Anita Vinabit – Clerk

Mr Lent Tevi – For Public Prosecutor
Mr Jacob Kausiama – For the Defendant

9th May 2006

CONVICTION AND SENTENCE

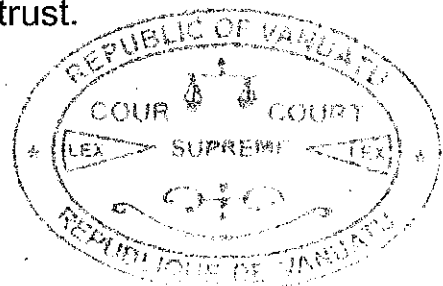
Douglas Din (DD) pleaded guilty to a charge of Indecent Assault contrary to section 98(1) of the Penal Code Act [CAP. 135] (the Act).

Accordingly a conviction was entered against him.

The complainant is a 11 years old girl. She is the daughter of DD. The offending took place on 24th February 2006. DD took his daughter to the sea. He told her to remove her clothes. She did and her father started to indecently deal with her by touching her private part. He then went a step further and made her masturbate him until he ejaculated. The matter went no further than that.

The aggravating features of this case are that:-

- (a) The victim is very young.
- (b) The defendant is the victim's own father.
- (c) As such, he stood in a position of trust.



- (d) However, the defendant abused that trust.
- (e) The father is 38 years, a mature person.

The only mitigating factors made on his behalf are that:-

- (a) He is a first-time offender.
- (b) He pleaded guilty at the first opportunity.
- (c) He has shown remorse and contrition by apologizing to the Court and to his children.

The aggravating features far outweigh the mitigating factors in this case. Some credit will be allowed for his mitigating factors but this is not enough to avoid a prison term. A father who abuses his young daughter and abuses his position of trust must learn and understand that there can only be one possible punishment for this offence, and that is to go to prison. This punishment will ensure a deterrence on the offender and others.

In this case, I therefore sentence (and allowing for mitigating factors) Douglas Din to a term of 2 years in prison. This term will run consecutively with his terms in Criminal Case No. 12 of 2006. He will serve his terms in the prison at Luganville.

DATED at Luganville this 12th day of May 2006.

BY THE COURT



OLIVER A. SAKSAK
Judge

