

**IN THE MAGISTRATE'S COURT AT SAVUSAVU**  
**CRIMINAL JURISDICTION**

*Criminal Case No. 339 of 2015*

**STATE**

*v*

**SEREMAIA AMATO**

For the Prosecution : **Ms Elo. W**  
For the Accused : **Mr Rakaria. I**  
  
Judgment : **3 March 2017**

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**SENTENCE**

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1. The Accused, *Seremaia Amato* you are before this court for sentence on one count of *Act Intended To Cause Grievous Harm*.
2. On 21 June 2016, you change your plea and pleaded guilty to the charge in the presence of your counsel. I find your plea to be unequivocal.
3. The brief summary of facts are;-

*"On 18 November 2015, at about 12 noon, Atalemo Tiukidia (Victim) was in his farm at Qaratevuka, Nadavai village when he saw the accused and another cleaning a portion of his farm. The victim approached the two and questioned them as to why they were there cleaning his farm. A heated argument arose between them and the accused hit the victim's left arm and head with a stick. The victim sustained injuries."*

4. You admitted to the summary of facts on 21 June 2016 and you were convicted as charged.
5. The maximum penalty for the offence of *Act Intended to Cause Grievous Harm* is life imprisonment. The tariff is from 6 months to 5 years imprisonment.
6. The aggravating factors are:-
  - (i) Using of weapon (stick).
  - (ii) Weapon was used to strike the victim twice.
  - (iii) Injuries suffered by the victim.
7. The mitigating factors are:-
  - (i) 40 years old, married with 7 children.
  - (ii) First offender and previous good character.
  - (iii) Remorseful and seek forgiveness.
8. The starting point for using of weapon is 2 to 5 years depending on the weapon used. The weapon used in this case was a stick. I pick 2 years as my starting point.
9. I add 1 year for the aggravating factors and that increase your sentence to 3 years imprisonment. I reduce 1 year for the mitigating factors and that reduce your sentence by 2 years imprisonment. I further reduce your sentence by 4 months for your guilty plea and that reduce your sentence to 1 year and 8 months.
10. Your sentence stands at 1 year and 8 months. I now reduce your sentence by 2 weeks to reflect the period in which you were in remand. That reduce your sentence to 1 year, 7 months, and 2 weeks.
11. Your final sentence is 1 year, 7 months, and 2 weeks imprisonment.

12. In your mitigation you asked for a non-custodial sentence and request for a suspended sentence. Considering the seriousness of the offence as it is categorised by the Crime Act to be an indictable offence, I find that this is not an appropriate case for suspended sentence. I therefore order that you are to serve your sentence immediately.

**28 days to appeal**

C. M. Tuberi  
RESIDENT MAGISTRATE