

REGINA -v- NAPHTALI MULE

High Court of Solomon Islands

(Muria J.)

Criminal Case No. 34 of 1991

Hearing: 21 January 1992 at Gizo

Sentence: 21 January 1992

J. Wasiraro for Prosecution

J. Remobatu for Defendant

MURIA J: The offence of defilement of girls who are under 13 years of age contrary to section 134(1) of the Penal Code is a serious one and to show its seriousness the law puts the maximum penalty for it at life imprisonment. However the court will impose the punishment for each offence that fits in with the circumstances of the particular case.

In your case, you and the victim are in some respect related to each other. It is alleged that the girl is your grand-daughter but you said that she is your niece. It matters not whether she is your granddaughter or niece because in either of them, you stand in a position of trust toward the victim. She trusted you, that was why she came to stay with you in June 1988. You have done well by buying her new clothes and looking after her when you saw that she dressed in dirty and torn clothes and gave her money to go to school. But you had turned that assistance into a bargaining-chip so that the girl would accept a sexual relationship with you. You said the girl did not refuse your request for friendship. She was not in a position to refuse because you are in a position of authority over her and no doubt you knew that.

You are now 61 years old and at the time of the offence you were 59 years old. The girl was then twelve and half years old. The age difference between yourself and the girl should put you on notice what you were doing to her. Yet you deliberately chose to pursue and continue your sexual relationship with the victim until you were found out.

The law on this is designed to protect young girls from men as well as from themselves. You have defied the law by deliberately pursuing your sexual gratification with this 12 and half years old girl.

I give you credit for your plea of guilty which helps you considerably. I give you credit also for the fact that you readily admitted it to the police and that you are man of good character for 59 years. I accept there is some delay in this matter in bringing it before the court but I do not think the police can really be blamed for that delay. You said you are willing to pay compensation but the girl's parents are not in good terms with you. That I must say is due entirely to your own making.

Having taken all those matters into account together with all that Mr. Remobatu had helpfully submitted to the court on your behalf I feel the proper punishment must be one of the custodial sentence.

In all the circumstances and bearing in mind your age, the minimum sentence I can pass is one of 2 years imprisonment.

Right of Appeal explained.

(G.J.B Muria)

JUDGE