

IN THE HIGH COURT OF FIJI
AT SUVA

CRIMINAL JURISDICTION

CRIMINAL CASE NO.: HAC 072 OF 2008

BETWEEN:

THE STATE

Complainant

AND:

RAYMOND RAJENDRA SINGH

Accused

Counsel: Mr. A. Rayawa & Ms. J. Shah for the State
Mr. H.A. Shah for the Accused

Date of Summing Up: Wednesday 4 February, 2009

SENTENCE

[1] Raymond Rajendra Singh, you have been convicted of murder of your wife, Wendy Linda Singh following a trial. All five assessors were unanimous in their verdict that you inflicted the fatal injury on the deceased with either an intention to kill or to cause serious harm to her, and that the act that caused the fatal injury was not accidental or committed in self defence. The assessors also rejected your defence of intoxication or provocation. The assessors' verdict was available on the evidence. The court concurred with the assessors

and convicted you. The sentence for the offence of murder is fixed by law. The court has no discretion but to impose life imprisonment on you.

- [2] The court, however, has discretion to fix a minimum term to be served before you can be released from prison on a licence.
- [3] The State submits that a minimum term should be fixed because this was a brutal killing. The State relies on the decision of this court in ***State v Macartney*** Criminal Case No.HAC175/07 as the authority.
- [4] Mr. Shah opposes fixing of a minimum term. Mr. Shah submits that this was not a case of planned killing with evidence of calculated decision to conceal the body of the victim which were the facts that aggravated the killing in ***Macartney's*** case.
- [5] In my view, there are no hard and fast rules for minimum term in murder cases. Each case is to be assessed on its own facts. If the court finds aggravating features present in a case of murder, the court has discretion to fix minimum term, after weighing the aggravating circumstances against any mitigating factors.
- [6] In this case there are no compelling mitigating factors. You are 30 years old and a law student. At the time of the offence you were 29 years old and were employed by AusAid as the Problem Solving Courts Coordinator. Your previous occupations include a Senior Sub-Editor at the Daily Post and an Anti-Racial Harassment Officer in England.

- [7] The deceased was your spouse. She was a British national and about 10 years older than you. You met her in Fiji when she was studying at the University of the South Pacific as an International Student. When she returned to England, you joined her and got married on 3 September 2004. Your first son was born in England. In 2006 you returned to Fiji with your wife and son to live here. You worked while the deceased stayed home. In January 2008 your second son was born. While in Fiji the deceased's son from an earlier relationship lived with you. The teenage son was autistic requiring special care. The deceased was taking care of that child. The deceased also had a daughter from the earlier relationship who remained in England when she returned to Fiji with you.
- [8] The court has heard evidence of your marriage which was full of squabbles about petty matters. But which marriage is not without squabbles. The institution of marriage is about trust and understanding. The marriage partners are expected to overcome their individual differences and give each partner the respect. There is absolutely no room for violence in a domestic relationship. A partner who resorts to violence against the other partner violates the trust upon which the relationship is built. The court cannot condone violence in a domestic relationship.
- [9] While living in England, you were convicted of common assault and assault occasioning bodily harm on the deceased. You pleaded guilty and you were sentenced to a community work for a period of 2 years. The order was later revoked on grounds of good progress and change of circumstances.
- [10] There is no evidence that the deceased had ever attacked you or her children resulting in criminal convictions. On the day leading to the incident both of you were drinking and arguing. The final argument lasted for a while until the

deceased called for help and then there was a complete silence. She was left lying on the floor in a pool of blood without any regard from you. You knew your wife was seriously injured. Your bloody footprints were all over the house. You called your parents with bloody hands. The deceased's blood was found in the vehicle you drove.

[11] The extent and seriousness of the injuries on the deceased's body makes me conclude that the attack on her was ferocious. The deceased received 79 bruises and wounds all over her body. Her throat was slashed open which according to the evidence required considerable impact and use of a weapon. I cannot imagine what could be more dreadful than being cut on the throat from one end to the other with a sharp instrument.

[12] The killing is further aggravated by the fact that you inflicted the injuries on the deceased in the presence of her children. You have deprived four children of their mother. It is unfortunate that your two young children will now grow without their parents. But you cannot use your children to seek leniency from the court for circumstances you have caused. However, I give no weight to the submission by the State that you were cruel to your children or your step children because you have not been convicted of cruelty to your children.

[13] Taking these matters into account, I sentence you to life imprisonment with a fixed minimum term of 18 years to be served.

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Daniel Goundar
JUDGE

At Suva

Wednesday 4 February, 2009

Solicitors:

Office of the Director of Public Prosecutions, Suva for the State
Haroon Ali Shah Lawyers, Lautoka for the Accused