

IN THE HIGH COURT OF THE FIJI ISLANDS

CRIMINAL JURISDICTION

AT SUVA

CRIMINAL CASE NO: HAC 030 of 2008

STATE

RONIKA DEVI [d/o Bijan Chand]

Mr. S. Qica for the State

Ms. R. Senikuruciri for the Accused

Date of Sentence: 20 February 2009.

SENTENCE

1. Ronika Devi, you have been found guilty and convicted of two counts of murder, contrary to sections 199 and 200 of the Penal Code Cap 17. This is your sentence.
2. Under our law there is only one sentence for the serious offence of murder, for which you have been convicted. It is mandatory. The sentence is imprisonment for life. I therefore sentence you as follows:
 - i) On count 1 for the murder of your daughter Tanisa Pratap, imprisonment for life;
 - ii) On count 2 for the murder of your Unnamed Daughter, imprisonment for life.

3. I had invited submission from your counsel, Ms Senikururciri on whether the court may exercise its discretions under section 33 of the Penal Code Cap 17 and fix a minimum term of imprisonment to be served by you before any parole may be considered. In her helpful submission on your behalf, she has highlighted the fact that you had an abusive marital life, that you are a first offender, that you needed psychiatric counseling and that you regretted what has happened.
4. Your antecedent history submitted to the Court by the prosecution show that you are a 24 year old first offender married to one Dharmendra. You attained class 7 education level and you have two brothers.
5. It is hard to understand why you, a mother of two very young children would murder them. They were defenceless and were entirely at your mercy. The manner in which you murdered them by drowning and the timing shows calculation and premeditation. Even allowing for the fact that you may have had an unhappy and abusive marriage.
6. In my view, it does not take away the need that you be properly punished for this dreadful crime. It is hope that you will find remorse and forgiveness eventually.
7. I believe this is a case where the court should fix a minimum term to demonstrate community standards as regards the sanctity of life and the sacredness of motherhood in protecting their children who are at their mercy, against all manner of harm. It is should deter misguided parents, who when life is difficult for them, do not to take it out their response on their children. Justice also demands that a minimum term be fixed because of the calculated and evil manner in which the young victims were murdered. Their rights as children were violently disrupted and their life ended by the person who should have protected them. This sentence must be deter future offenders.
8. I fix the minimum term at 20 years imprisonment for each count of murder. In consideration of the totality principle of sentencing I would order that the sentences be served concurrently.

9. I have been guided by consideration and principles applied by the court in the following cases: State v Lebobo [2004] FJHC 518 per Gates J; Josaia Tukana v State [2007] FJCA; AAU 042 of 2006

ORDERS

10. I make the following orders:

- i) Ronika Devi you are sentenced to imprisonment for life for each of the two counts of murder you have been convicted with;
- ii) A minimum term of 20 years imprisonment is fixed to be served, effective from 20 February 2009.

Isikeli Mataitoga

JUDGE

20 February 2009.