

IN THE MAGISTRATES COURT
OF THE REPUBLIC OF VANUATU
(Criminal Jurisdiction)

Case No. 25/441 CRML

PUBLIC PROSECUTOR

V

SONG KALMET

Date of Sentence: 24th April, 2025.

Coram: Senior Magistrate FSam

Counsels: Mr. Sahe_B – State Prosecution.

Defendant in person.

SENTENCE

Introduction

1. The defendant was found guilty of one count of intentional assault causing damage of temporary nature.

Facts

2. The facts in relation to his offending are that on the 19th of October 2023, at Erakor Village, the complainant who was 19 years old at that time, had come home from work after 4:30PM, when she received a text message from the defendant's daughter, who happened to be her friend as well, to go see her at the defendant's house where she is staying. The complainant then went over, where they were at the defendant's natangura kitchen, and his daughter was cooking, and by then it had gone dark. The defendant appeared and made some verbal threats to the complainant while she was sitting on a chair. He then used a wood and whipped the complainant with it, causing her to fall from the chair, and while she was down on the floor, the defendant hit the complainant behind the head with the same wood in his hand, when the complainant felt blood on her head. By then the complainant was still on the floor and the defendant continued to assault her multiple times until the wood he was carrying got broken up. He continued to hold on to the complainant's neck and pushed her out of the kitchen and to some flower pots, where the complainant managed to get a way from his grip and ran away to safety, while dazed and bruised.



3. A medical report of the injuries was tendered in as evidence suffered by the complainant from the defendant's assault upon her.

4. The defendant in a caution interview with the police, admitted the offending.

5. And having considered his admission to the facts of his offending and his guilty plea, I find him guilty of the charge against him.

Consideration of factors to the offending

6. There are no mitigating factors to the offending, and consideration is made to the maximum penalty of the offence of intentional assault and aggravating factors to the offending.

7. The maximum penalty for intentional assault causing injuries of permanent nature, is 5 years imprisonment, according to section 107(b) of the Penal Code Act.

8. The accepted aggravating factors to the offending include:

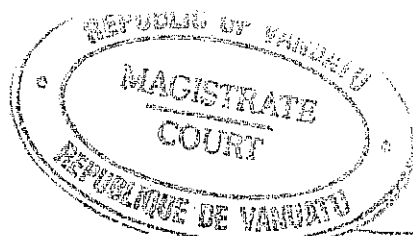
➤ There was pre-mediation, where the defendant had intended to commit the assault, having stated in his caution statement, that he had warned the complainant to stay away from his yard and such intention manifested by the assault on the complainant, when she did howsoever return to his yard.

➤ The defendant used a wood (weapon) to carry out the assault on the complainant victim.

➤ The complainant sustained serious injuries.

➤ The complainant was vulnerable to the defendant's assault, since she was defenseless and overpowered by the use of force applied by the defendant, with no adult around to help her.

➤ That the defendant's offending shows disrespect to himself as a mature person and father and grandfather, who was supposed to be a role model and provide a safe home for his family and community members, and his offending



reflects disrespect also to the lives of others, especially youths around his community.

➤ The defendant took the law into his own hands by his offending, when he could have resorted to more peaceful ways by involving other elders or leaders or the complainant's parents in resolving his concern with youths such as the complainant, showing also his disrespect for the law and his community members.

Guilty Plea & Mitigating Factors.

9. I acknowledge the defendant's guilty plea given at the earliest available opportunity accorded to him.

10. I also consider he has no prior convictions upon him.

End Sentence

11. Having considered the relevant factors, and circumstances of the offending, I sentence the defendant to an end sentence of 6 months imprisonment.

12. The defendant is also ordered to pay a prosecution cost of VT 1000.

Suspension of Sentence

13. Whilst the offending is very serious in nature, given the defendant's personal circumstances and relevant factors, I am prepared to allow suspension of his sentence for a period of 1 year.

14. This means he must remain of good behaviour and must not reoffend throughout the period of suspension, because in the event he does reoffend, the suspension may be uplifted and he must serve his time in prison.



15. He is further ordered to perform a custom reconciliation with the complainant during the period of his suspended sentence.

Reason for Sentence

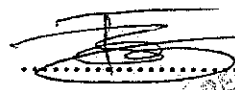
16. This sentence serves to deter him and like-offenders from committing similar offences, and as punishment for this kind of offending, and to denounce such offending to the community.

17. And the defendant is also allowed a chance to rehabilitate himself.

18. The defendant is informed of his right to appeal his sentence.

DATED at Port Vila, this 24th April, 2025.

BY THE COURT


FSam
Senior Magistrate COURT

