

IN THE SUPREME COURT OF TONGA
CRIMINAL JURISDICTION
NUKU'ALOFA REGISTRY

Scan & file

SG

CR ...95/2012

13/09/12

R E X

V

LOMANI HOLANI

BEFORE THE HON. JUSTICE CATO

SUMMARY OF SENTENCE DELIVERED ORALLY

THE PRISONER PLEADED GUILTY TO ONE COUNT OF INDECENT ASSULT ON A CHILD UNDER 16 YEARS OLD CONTRARY TO SECTION 124(1) AND (2) CRIMINAL OFFENCES ACT.

THE COMPLAINANT WAS A FOSTERED CHILD IN A LARGE FAMILY. THE PRISONER HAD BEEN TO A KAVA NIGHT AND HAD RETURNED. HE RETURNED WHEN THE COMPLAINANT WAS SLEEPING. WOKE HER UP GAVE HER SOME MONEY AND LAY ON TOP OF HER AND FONDLED HER BREAST BEFORE RETURNING TO HIS ROOM. HIS WIFE WAS ELSEWHERE.

THE WIFE OF THE PRISONER FOUND OUT ABOUT THE MATTER AND ENCOURAGED HER TO REPORT THE MATTER TO THE POLICE.

PRISONER MADE APOLOGY AND WAS REMORSEFUL

PRISONER WAS A FIRST OFFENDER AGED 49 – LOW INCOME EARNER – LARGE FAMILY 4 AND OTHERS FOSTERED. – PRINCIPAL EARNER –

REFORMED ALCOHOLIC – CHURCH GOER – PLEADED GUILTY EARLY- REMORSE

recd 10/09/12
AKC

CONSIDERATIONS PROTECTION OF YOUNG PERSON
DETERRENCE – BREACH OF TRUST

FIRST OFFENDER – MAXIMUM SENTENCE 5 YEARS –
OFFENDER DESISTED IN PROCEEDING BEYOND FONDLING
BREAST –

IT IS ORDERED THAT ;

1. The prisoner is bonded to be of good behaviour under s 198 Criminal Offences Act for a period of three years and;
2. he is placed on probation under s 199 Criminal offences Act with the following conditions;
 - a. attend Woman's crisis and sex abuse counselling centre under direction of probation;
 - b. send a letter of apology through his probation officer to the complainant, and a copy is to be sent by probation to the Court to be placed on the prisoner's file.

He is warned about the consequences of any bad behaviour and re-offending in additional period.

DATED:
30/8/12



[Signature]
JUDGE