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Soldier gets 34 years, 14 strokes for raping wife's pre-teen niece

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A policeman escorts the soldier after sentencing. — Photo by Desiree David

KUCHING: The Sessions Court here has sentenced a soldier with the rank of lance corporal to a total of 34 years' jail and 14 strokes of the rotan for two counts of raping his wife's niece, who was then 12 years old, in 2023.

Judge Iris Awen Jon convicted the 29-year-old following a full trial with both charges framed under Section 376(1) of the Penal Code.

For the first charge, he was sentenced to 16 years behind bars and six strokes of the rotan, while for the second charge, he received 18 years' imprisonment and eight strokes.

Iris ordered both sentences to run concurrently from the date of his remand on Sept 20, 2024, effectively amounting to 18 years' imprisonment.

She also ordered the accused to undergo rehabilitative counselling throughout his detention, in accordance with Section 26 of the Sexual Offences Against Children Act (Soaca) 2017.

Iris further ordered the accused to be placed under police supervision for two years upon completing his custodial sentence, pursuant to Section 27(1) of Soaca 2017.

According to the charges, the man raped the victim in two separate incidents on Dec 20, 2023 and January 2024, at an Armed Forces Family Quarters here.

The first incident occurred while the victim was sleeping at the man's house, when he pushed her onto a mattress and raped her while covering her mouth as she attempted to resist.

In the second incident, the man pulled the victim's shirt, causing her to fall, before removing her trousers and raping her.

Following the incidents, the victim lodged a police report which led to his arrest.

In her judgment, Judge Iris found that the prosecution had successfully proven its case against the accused beyond reasonable doubt after assessing all the evidence presented throughout the trial.

She also found that the defence witnesses' testimony carried less evidential weight, adding that no independent evidence was presented to show that the man was not in Sarawak at the time of the incidents, despite the defence having produced flight tickets.

Throughout the full trial, the prosecution, represented by deputy public prosecutors Mohamad Aiman Mutallib Mohamad Shariff and Chuah Kai Sheng, called six witnesses, while the defence presented three witnesses.

Counsel Joshua Lee Sik Ern represented the accused.