

ST HELENA / JUDGMENT

Attorney General v Ramachandran

[2026] SHSC 1 (18 March 2026)

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----- Sentencing 18
th March 2026 -----

Mr Ramachandran you have pleaded guilty at the first opportunity to an offence of wounding contrary to section 20 of the Offences Against the Person Act 1861. You entered a not guilty plea to an offence contrary to section 18 of the same legislation and I formally record a not guilty verdict in relation to that, the Attorney General having offered no evidence. On the 18 th of December 2025 at the Residency you were employed as a cook along with Mr Kuttapan at a Christmas function. Also employed at the function was Mr Malairaja who is your friend. During the time that you were working you would go to the bar and drink whisky and beer which was free of charge. Both Mr Malairaja and Mr Kuttapan continually advised you to stop drinking but you ignored them. As the event wore on you became more drunk and you got upset at Mr Malairaja as you believed that he had not catered sufficiently for the staff at the function. You told Mr Malairaja that you were in charge and slapped him to his left cheek, in response you were slapped back. You then picked up a wine glass, smashed one end onto a table to break it and attempted to push it into Mr Malairaja's face. As Mr Malairaja raised his hand to defend himself the glass cut his left middle finger. You then attempted to stab Mr Malairaja in the face again with the broken glass but the blow was deflected. However on the third attempt you struck Mr Malairaja to the left side of the head with the glass causing a laceration. After this you had to be separated and the police and an ambulance were called. Mr Malairaja had 3 lacerations, 2 to the scalp which were stapled and one to the finger which was sutured. The lacerations to the scalp were 2 cm each and the one to the finger 3cm. Mr Malairaja did not want to make a formal complaint against you as you are friends but did provide a witness statement. I take from your pre-sentence report that although you sought to

minimise what you did you recognise you should have walked away and that you are thankful that there is no lasting injury to your friend. I note that you tend to work overseas for the US forces to support your family in India and that you are currently unable to support them as you have lost your employment over this. I further note that you are a qualified plumber but are now likely not to be able to work for the US forces again. In light of this not only will you suffer for some time because of your actions, but your family will as well. I have received two very helpful sentencing notes which I will have regard to. I have also received a reference, 3 certificates and a verification of employment that speak to your good conduct in the work environment. Turning to the guidelines there was the use of a weapon which places culpability in category B, I do not consider that a broken glass can be described as a highly dangerous weapon having regard to the extent of harm that would normally be expected from a broken glass. It might cause some disfigurement or at the very worst the loss of an eye if used in a particular way which makes it a dangerous weapon, but it is not one that can be described as being substantially above and beyond the legislative definition of an offensive weapon. Highly dangerous requires something over and above dangerous, for example a knife of some length or a firearm, both of which can cause very significant harm or death with little effort on the part of the user. Nor do I accept that the assault was persistent, on the evidence this was an incident where the violence was over quickly and could not be said to have gone on for some time, certainly not long enough to permit a persistent assault to have occurred. It is right that only two attempts to inflict harm may be described as persistent in some circumstances, but to my mind it would be unfair to make that finding in your case where there was a short lived struggle. I also note that you have been convicted of a s.20 offence as opposed to a s.18 matter. Harm was thankfully minor in terms of this type of offence and has left no lasting impact upon Mr Malairaja placing it in category 3. This provides a starting point of 12 months' custody with a range of a high level community order to 2 years' custody. This was an offence committed while under the influence of alcohol when you were seeking to berate your friend which aggravates the offence. It is suggested that there were children at the party and the presence of a man dressed as Santa Claus would suggest that was the case. The purpose of treating children being present as an aggravating factor is to reflect the psychological harm that may be caused to those who witnessed the offence, and in the absence of any evidence that children did in fact witness what occurred I cannot find that this aggravates the offence. You do however have no previous convictions and a positive good character. I will not vary from the starting point of 12 months' custody. This court has always allowed a one third discount for a guilty plea at the plea and case management stage and you will be allowed that amount of credit for your guilty plea, this reduces the sentence to 34 weeks' custody. With a further reduction for prison conditions that is 29 weeks' custody. I look to see if there is a meaningful non-custodial option available and there is not. Ascension cannot accommodate probation or community service orders and in any event you will lose your right of abode after today. I now consider if the sentence can be suspended. Your actions could have caused significant life changing injuries to your friend, stabbing someone to the face can cause disfigurement or

even loss of sight. However set against this I believe that your risk of reconviction is low given your lack of previous convictions and age, you will lose the ability to support your family if incarcerated and you would be in a foreign jail where you do not speak the language. In light of this I am just minded to suspend the sentence. The sentence will be one of 29 weeks' custody suspended for 2 years. The impact of this is that you will not go to prison today but if you commit an imprisonable offence in the next 2 years this sentence can be activated alongside any additional punishment you may receive for the new offence. You have no money so I make no order for costs or compensation. Duncan Cooke Acting Judge of the Supreme Court th March 2026 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII URL: <https://www.bailii.org/sh/cases/SHSC/2026/2026-1.html>

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