

IN THE HIGH COURT OF FIJI

AT SUVA

CRIMINAL JURISDICTION

CRIMINAL CASE NO. HAC 300 OF 2011S

STATE

vs

RODNEY AUGUSTINE FONG

Counsels : **Ms. M. Fong and Ms. S. Navia for State**
Mr. D. Sharma and Ms. N. Choo for Accused

Hearings : **12th, 13th, 14th, 15th, 16th and 19th August, 2013**

Summing Up : **20th August, 2013**

Judgment : **20th August, 2013**

JUDGMENT

1. The three assessors have unanimously reached a verdict of Not Guilty as charged for the accused, on all three Counts.
2. Obviously, the three assessors have not accepted the prosecution's version of events. It appeared they have found that the prosecution had not proven its case against the accused beyond reasonable doubt and they have found him not guilty as charged on all Counts.
3. I have reviewed the evidence called in this trial.
4. I have also directed myself in accordance with the summing up I gave the assessors today.
5. In my view, the three assessors' verdict was not perverse. It was open to them to reach such conclusion on the evidence. I agree with the three assessors. I accept their decision. I find the prosecution has not proven its case against the accused beyond a reasonable doubt and I find the accused Not Guilty as charged on Count no. 1, 2 and 3.
6. I therefore acquit the accused on all Counts. The accused is free to go home.

7. Assessors thanked and released.
8. Accused's passport to be released forthwith.

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JUDGE

Solicitor for the State : **Office of the Director of Public Prosecution, Suva**
Solicitor for the Accused : **R. Patel Lawyers, Suva**