

IN THE HIGH COURT OF FIJI
AT SUVA
CRIMINAL JURISDICTION

CRIMINAL CASE NO: HAC 247 OF 2012

BETWEEN : **STATE**

AND : **MARISILINO TABAKANACA**

Counsel : Ms. Prasad J and Mr. Tiwari P.K. for the State

: Mr. Rayawa for the Accused

Date of Summing Up : 15th November 2013

Date of Judgment : 15th November 2013

JUDGMENT

1. Marisilino Tabakanaca, you have been charged with the following offence:

One Count

[Representative Count]

Statement of Offence (a)

RAPE: Contrary to section 207 (1) and (2) (a) of the Crimes Decree 44 of 2009.

Particulars of Offence

MARISILINO TABAKANACA between the 1st day of January 2011 to the 31st day of July 2011, at Nasinu, in the Central Division, had carnal knowledge of **M.L.**, without her consent.

2. In the unanimous opinion of three assessors you have been found NOT GUILTY of the offence. In directing myself on my own summing up, I concur with the Assessors and also find you NOT GUILTY to the charge of Rape.
3. That is the judgment of the Court.
4. You are acquitted accordingly.

Janaka Bandara
Judge

At Suva
Office of the Director of Prosecution for State
Rayawa Law for the Accused