

**IN THE HIGH COURT OF FIJI**  
**AT SUVA**  
**CRIMINAL JURISDICTION**

**CRIMINAL CASE NO: HAC 042/2012**

**BETWEEN** : **THE STATE**

**AND** : **DEVENDRA NAIKER**

**COUNSEL** : **Mr R Prakash and Ms Uce for the State**  
**Mr T Ravuniwa for the Accused**

**Dates of Trial** : **02-08/04/2014**

**Date of Summing Up** : **09/04/2014**

**Date of Judgment** : **09/04/2014**

**JUDGMENT**

- [01] The three assessors have expressed unanimous opinion that the accused is guilty of the charge of murder. The unanimous opinion is completely tenable on the basis of evidence considered in accordance with the legal directions that have been made.
- [02] In this case it is not in dispute that the accused went in the rear seat of the deceased's taxi after 6.00pm on 20/12/2011. Accused admitted in his evidence that he went home in the deceased's taxi on 20/12/2011. This was corroborated by witnesses Melvin Nandan and Dinesh Karan. According to them the accused was the person last seen going in the deceased's taxi after 6.00pm on 20/12/2011. After few hours the accused's dead body was found on the Waituri Road.

- [03] Tevita Naqaruqaru and Ratu Meli Draunimasi had caught the accused few minutes after he left with the deceased to go to Korociriciri. They found blood on both hands of the accused around 6.30pm on the Irrigation road. Accused had driven the deceased's taxi along Irrigation Road very fast when Tevita and Meli apprehended him.
- [04] The accused admitted to the doctor and in his caution interview statement that he stabbed the deceased on 20/12/2011.
- [05] Accused giving evidence in court admitted that he went in the deceased's taxi on 20/12/2011 and denied the allegation. But he was the person last seen going with the deceased. Deceased had suspicion that the accused was having an affair with his wife.
- [06] I have considered and evaluated the evidence, applying legal principles contained in my summing-up to the assessors.
- [07] It is also my decision that accused is guilty of the charge of murder.
- [08] The judgment of this court is that the accused is guilty of murder of Bishal Anand Mishra. He is convicted accordingly.



  
P Kumararatnam  
**JUDGE**

At Suva  
09/04/2014