

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

**CRIMINAL CASE NO.: 124 OF 2012**

STATE

-v-

MOHAMED ALFAAZ

**Counsels** : Mr. Semi Babitu for the State  
Mr. Roneel Kumar for the accused

**Date of Trial** : 27 January - 29 January 2014

**Date of Summing Up** : 30 January 2014

**Date of Judgment** : 30 January 2014

**JUDGMENT**

1. The Accused is charged under following counts:

**Count 1**

***Statement of Offence***

**SEXUAL ASSAULT:** Contrary to Section 210 (1) (a) and (2) of the Crimes Decree No. 44, 2009.

***Particulars of Offence***

**MOHAMMED ALFAAZ**, on the 17<sup>th</sup> day of September 2012 at Nadi in the Western Division, unlawfully and indecently assaulted **AN** by licking the vagina of the said **AN** with his tongue.

## **Count 2**

### ***Statement of Offence***

**RAPE:** Contrary to Section 207 (1) and (2) (a) of the Crimes Decree, 2009.

### ***Particulars of Offence***

**MOHAMMED ALFAAZ**, on the 17<sup>th</sup> day of September 2012 at Nadi in the Western Division, had carnal knowledge of **AN**, without her consent.

## **Count 3**

### ***Statement of Offence***

**RAPE:** Contrary to Section 207 (1) and (2) (a) of the Crimes Decree, 2009.

### ***Particulars of Offence***

**MOHAMMED ALFAAZ**, on the 17<sup>th</sup> day of September 2012 at Nadi in the Western Division, had carnal knowledge of **AN**, by inserting his penis into the anus of the said **AN** without her consent.

## **Count 4**

### ***Statement of Offence***

**RAPE:** Contrary to Section (1) and (2) (c) of the Crimes Decree, 2009.

### ***Particulars of Offence***

**MOHAMMED ALFAAZ**, on the 17<sup>th</sup> day of September 2012 at Nadi in the Western Division, penetrated the mouth of **AN**, with his penis without her consent

2. All three assessors unanimously found accused guilty of the above counts.
3. I direct myself in accordance with the law and the evidence which I discussed in my summing up to the assessors.
4. Considering the nature of the evidence before the court, I am convinced that the prosecution had proved the case beyond reasonable doubt.
5. I find the verdict of the assessors were not perverse. It was open to them to reach such a conclusion on the evidence. I concur with their verdict. Considering all, I find the accused guilty as charged in respect of Sexual Assault and three charges of Rape.

6. Accordingly, I convict Mohammed Alfaaz for Sexual Assault under Section 210 (1) (a) and (2) of the Crimes Decree, 2009, two Rape charges under Section 207 (1) and (2)(a) and one Rape charge under Section 207 (1) and (2) (c) of the Crimes Decree, 2009.
7. This is the Judgment of the Court.

Sudharshana De Silva

**JUDGE**

**At Lautoka  
30<sup>th</sup> January 2014**

**Solicitors : Office of the Director of Public Prosecution for State  
Office of the Legal Aid Commission for Accused**