

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

**CRIMINAL CASE NO.: HAC 197 OF 2013**

STATE

-v-

KOLINIO RAIKOTI RAISAMU

**Counsels** : Mr. A. Singh for the State  
Mr. R. Kumar for the accused

**Date of Trial** : 30 June 2014 to 2 July 2014

**Date of Summing Up** : 3 July 2014

**Date of Judgment** : 3 July 2014

(Name of the victim is suppressed. She will be referred to as ESN)

**JUDGMENT**

1. The Accused is charged under following counts:

**COUNT 1**

*Statement of Offence*

**RAPE:** Contrary to Section 207 (1) and (2) and (3) of the Crimes Decree, 2009.

*Particulars of Offence*

KOLINIO RAIKOTI RAISAMU, on the 21<sup>st</sup> day of October 2013, at Lautoka in the Western Division, inserted his finger into the vagina of ESN, a child aged 8 years and 6 months.

**COUNT 2**

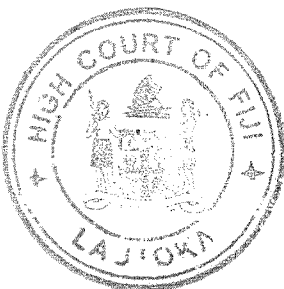
*Statement of Offence*


**RAPE:** Contrary to Section 207 (1) and (2) (a) and (3) of the Crimes Decree, 2009.

### *Particulars of Offence*

**KOLINIO RAIKOTI RAISAMU** on the 21<sup>st</sup> day of October 2013, at Lautoka in the Western Division, inserted his penis into the vagina of **ESN**, a child aged 8 years and 6 months.

2. The three assessors unanimously found accused Guilty of both 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 in respect of both counts.
5. Prosecution case was based on the complainant's evidence. She was 8 years old at the time of the incident. In October 2013 she was living at her aunt's house. The accused is the husband of the aunt. She said that uncle did bad things to her. She had come home after school, had a bath and slept in the room. When she woke up uncle (accused) came to the room and locked the door. He removed her panty and inserted his 'Vo' to her 'Vo'. He also inserted his fingers to her 'Vo' and blood came out. He put his hand on her neck and said he will kill her. She had shouted. She pointed out her vaginal area when she was asked where is 'Vo'. Then she had gone to Roko's mum. She had told about this incident to Roko, Roko's wife, her aunt and her grandfather. Her aunt has taken her to police and the doctor.
6. I observed her giving evidence in court. The three assessors have accepted her evidence beyond reasonable doubt. I agree with their opinion. Her aunt and Roko gave evidence about recent complaint made to them by the victim.
7. The assessors have rejected the version of the accused as put to the prosecution witnesses.
8. 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 two charges of Rape.
9. Accordingly, I convict Kolinio Raikoti Raisamu for two Rape charges under Sections 207 (2) (b) and (a) of the Crimes Decree, 2009.
10. This is the Judgment of the Court.



  
Sudharshana De Silva  
**JUDGE**

At Lautoka  
3<sup>rd</sup> July 2014

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