

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

**Criminal Case No. 78 of 2013**

**STATE**

**V**

**SAMISONI RABAKA**

Counsel: Ms A. Vavadakua for the State  
Accused in person.

Dates of trial: 15,17 and 18 July 2014  
Date of Judgment: 18 July 2014

---

**JUDGMENT**

---

**Samisoni Rabaka**, you have been charged with the following offence:

**COUNT ONE*****Statement of Offence***

**RAPE:** Contrary to section 207 (1) and (2) (b) and (3) of the Crimes Decree No. 44 of 2009.

***Particulars of Offence***

**SAMISONI RABAKA** on the 5<sup>th</sup> day of February 2013, at Veikoba, in Valelevu in the Central Division, penetrated the vagina of **XXX**, a child under the age of 13 years, with his finger.

2. In the unanimous opinion of the three assessors you have been found guilty of the offence.
3. The evidence against you was strong. The four year old victim gave evidence implicating you directly by name and by identification. She pointed to her genital area and showing the Court one finger she said you used that to hurt her.
4. The mother told of that evening and of how you were left alone in the room with the girl for about an hour. She found evidence of sexual abuse when bathing the girl the next day.
5. Medical evidence proved that she had a tear to her vaginal area, a tear the doctor said could only have come from some penetration.
6. I have directed myself on my own summing up and I agree with the assessors. I find you guilty and I convict you of the offence.

7. That is the judgment of the Court.



A handwritten signature in cursive script, appearing to read "P. K. Madigan".

**P. K. Madigan**  
**Judge**

At Suva  
18 July 2014