

IN THE HIGH COURT OF FIJI

AT SUVA

CRIMINAL JURISDICTION

Criminal Case No.417 of 2012

STATE

v

SANDEEP KUMAR SINGH

Counsel: Ms S. Kant with Ms V. Kumar for the State
Ms .V. Tamanisau for the accused.

Date of trial: 1 December 2014,

Date of Judgment : 2 December 2014

JUDGMENT

Sandeep Kumar Singh, you have been charged in this Court with the following offence.

FIRST COUNT
Statement of Offence
Representative Count

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

Particulars of Offence

Sandeep Kumar Singh between the 20th day of October 2012 and the 12th day of November 2012 at Nasinu in the Central Division had carnal knowledge of Irene Lata without her consent.

2. In the unanimous opinion of two assessors you have been found not guilty of the offence.
3. In directing myself on my own summing up I agree with the assessors and find you not guilty. You are acquitted and discharged.
4. The evidence of the complainant told of a very odd situation where she said she had agreed to share a house with the accused in return for sex. She had a very low paying job and could not have afforded the normal rent and so she said she agreed to have shelter for sex. However she said the accused abused her and forced her to have sex with him at least once a day over a period of about 6 weeks. He would assault her daily and expect her to cook and clean the house. Yet she stayed on, despite having family in Lautoka to whom she could have gone to. Her story is in many respects incapable of belief –she would go to work alone every day and therefore had the opportunity not to go back to the flat. Even when she finally reported the

rape and assault to the Police she returned that day to the accused to tell him she was leaving. Her behavior as she describes it does not sit well with a victim of daily rapes and assaults and for that reason I don't believe her evidence.

5. The accused on the other hand gave what I regarded as honest forthright evidence, and I preferred his evidence to that of the complainant.
6. The result is that I cannot be sure of the State's case beyond reasonable doubt and I have to give the benefit of that uncertainty to the accused.



A handwritten signature in black ink, appearing to read "P. Madigan", written in a cursive style.

P.K. Madigan
Judge

At Suva
2 December 2014