

IN THE HIGH COURT OF FIJI
AT SUVA
CRIMINAL JURISDICTION

Criminal Case No. HAC 274 of 2014

STATE

v

ESEKAIA DAULAKO

Counsel: Ms S. Navia with Ms S. Tivao for the State
Mr. M. Yunus (L.A.C.) for the accused.

Date of trial: 20, 21 July 2015,
Date of Judgment: 22 July 2015

JUDGMENT

1. Esekaia Daulako you have been charged with the following two offences:

First Count

Statement of Offence

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

Particulars of Offence

Esekaia Daulako between the 1st day of February 2014 and the 31st day of March 2014 at Kalabu in the Central Division had carnal knowledge of Francis Ruth Dickson without her consent.

Second Count

Statement of Offence

RAPE contrary to section 207(1) and (2)(b) of the Crimes Decree 44 of 2009.

Particulars of Offence

Esekaia Daulako between the 1st day of February 2014 and the 31st day of March 2014 at Kalabu in the Central Division penetrated the vagina of Francis Ruth Dickson with his fingers without her consent.

2. After trial three assessors have returned a unanimous opinion of guilty on both counts.
3. The evidence against you came from the young lady now aged 15 but who was 13 years old at the time. She gave evidence of you inflicting both digital and penile rape on her in her own bedroom at least 4 times during the months of February and March 2014. Her evidence was measured, controlled and totally credible and she was unshaken in cross examination. I believed her completely.
4. In contrast I found your evidence to be evasive, contrived and dismissive. Although you don't have to prove anything to the Court, it is my finding that you said nothing to deter the Court from a finding that the State has proved its case beyond reasonable doubt.
5. I direct myself on my own summing up and I agree with the assessors opinions. I find you guilty of Count 1 and of Count 2 and I will convict you on both counts accordingly.
6. That is the judgment of the Court.



A handwritten signature in blue ink, which appears to read "P.K. Madigan".

P.K. Madigan
Judge

At Suva
22 July, 2015