

IN THE HIGH COURT OF FIJI

AT SUVA

CRIMINAL JURISDICTION

CRIMINAL CASE NO. HAC 288 OF 2015S

STATE

VS

APAKUKI KAUYACA VITUKAWALU

Counsels	:	Ms. S. Navia and Ms. B. Kantharia for State Mr. K. Maisamoa for Accused
Hearings	:	13, 14, 15, 16, 17 and 20 June, 2016
Summing Up	:	22 June, 2016
Judgment	:	22 June, 2016

JUDGMENT

1. The three assessors had returned with a unanimous opinion finding the accused guilty of Unlawful Cultivation of Cannabis Sativa weighing 11 kg as charged.
2. Obviously, the three assessors had accepted the prosecution's version of events. That meant they had found the prosecution's witnesses credible and they had accepted their version of events. It also meant that they had rejected the accused's denials.
3. I have reviewed the evidence called in the trial and I had directed myself in accordance with the Summing Up I gave the assessors today.

4. The assessors' verdict was not perverse and it was open to them to reach such conclusion on the evidence.
5. Assessors are there to assist the trial judge come to a conclusion on the guilt or otherwise of the accused. I accept the three assessors' opinion. Like them, I find the prosecution's witnesses' evidence to be credible and I accept their version of events.
6. As for the accused, he was very evasive and inconsistent in his evidence and thus I found him not to be a credible witness. I reject his denials.
7. Given the above, I accept the three assessors' verdict and I find the accused guilty as charged and I convict him accordingly.
8. Assessors thanked and released.



Salesi Temo
JUDGE

Solicitor for State : Office of the Director of Public Prosecution, Suva
Solicitor for Accused : Maisamoa, Barrister and Solicitor, Suva.