

IN THE HIGH COURT OF FIJI

AT SUVA

CRIMINAL JURISDICTION

SUVA CRIMINAL CASE NO. HAC 344 OF 2016S

STATE

vs

RAJINESH KAMAL NARAYAN

Counsels : **Mr. L. Bogitini for State**
Mr. T. Ravuniwa for Accused

Hearing : **3, 4 and 5 April, 2018, 2018**

Summing Up : **6 April, 2018**

Judgment : **6 April, 2018**

JUDGMENT

1. The three assessors had returned with a unanimous opinion finding the accused guilty as charged.
2. Obviously, the three assessors had accepted the prosecution's version of events and evidence. That meant they had accepted the complainant's evidence and version of events. It also meant, they had rejected the accused's sworn denials.
3. I have reviewed the evidence called in the trial and I have directed myself in accordance with the summing up I gave the assessors today.

4. The three assessors' opinion was not perverse. It was open to them to reach such conclusion on the evidence.
5. Assessors are there to assist the trial judge come to a decision on whether or not the accused was guilty as charged. They represent the public and their opinion must be treated with respect.
6. I agree with the 3 assessors' opinion. Like them, I accept the complainant's evidence. In my view, she was credible. As for the accused, he was not a credible witness and I thus reject his sworn denials.
7. In my view, the complainant, a 16 year old, was naïve to befriend the accused. In my view, the accused exploited the naivety of the young female complainant. Once he had achieved his purpose, that is, to have sex with her, he immediately chase her away. In my view, the accused, as a father to 3 young girls, was the last person to treat the complainant in the above way.
8. I accept the three assessors' unanimous opinion and find the accused guilty as charged and convict him accordingly.
9. Assessors thanked and released.



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JUDGE

Solicitor for State
Solicitor for Accused

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Office of the Director of Public Prosecution Suva
Mr. T. Ravuniwa, Barrister and Solicitor, Suva.