

IN THE HIGH COURT OF FIJI
AT LABASA
CRIMINAL JURISDICTION

Criminal Case No. HAC 41of 2016

STATE

v

MOHAMMED RASHEED

Counsels: Mrs. A. Vavadakua for the State
Mr. A. Sen for the Accused

Dates of Hearing: 23, 24 and 25 July 2018

Date of Summing Up: 26 July 2014

Date of Judgment: 26 July 2018

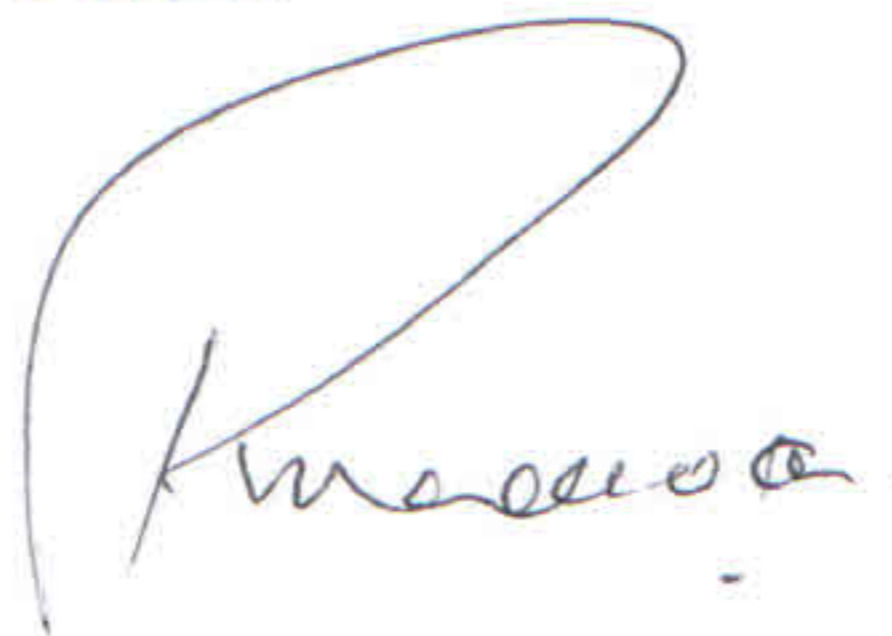
JUDGMENT

1. The accused was tried in this court on 3 representative counts of rape.
2. The assessors returned to Court with unanimous opinions of guilty on each count.
3. The evidence adduced by the State was that the victim of these rapes was the 12 year old niece of the accused who told the Court she was raped several times by the accused, starting in

December 2013 and ending in early 2015, when she was found to be pregnant.

4. The young girl gave consistent and confident evidence of these rapes and it was evidence that was unshaken in cross-examination.
5. A record of interview was produced in evidence (subsequent to a separate voire dire hearing) in which the accused admits in unnecessary detail the sexual abuse and rape of the girl.
6. The accused gave evidence in his defence. He told the Court that the girl was mistaken and that it was not him that raped her and made her pregnant.
7. He further said that the answers that he gave in the interview under caution were all untrue and he told lies because he had been threatened by the officers recording his answers.
8. I am aware that the accused does not have to prove anything and the State must prove its case to the requisite standard.
9. I found that the accused said nothing to make me doubt the prosecution case. The credible evidence of the young girl was enough in itself to find the accused guilty. Although there is no need for corroboration, the evidence of the interview under caution, which I found to be voluntary and fair, was additional evidence to find the State's case proved.
10. Because the girl is less than 13 years old, consent was not in issue.

11. I accept and agree with the unanimous opinions of the assessors and find the accused guilty of each of the three representative counts and I convict him accordingly.
12. That is the judgment of the Court.



P.K. Madigan
Judge



At Labasa
26 July 2018