

**IN THE HIGH COURT OF FIJI**

**AT SUVA**

**CRIMINAL JURISDICTION**

**CRIMINAL CASE NO. HAC 066 OF 2020S**

**STATE**

**vs**

**MOALA BATI**

**Counsels : Mr. S. Komaibaba, Mr. Y. Prasad and Ms. M. Lomaloma for State  
Ms. S. Daunivesi and Ms. O. Grace for Accused**

**Hearings : 30 November, 1, 2, 3, 4, 7 and 8 December, 2020.**

**Summing Up : 10 December, 2020.**

**Judgment : 10 December, 2020.**

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**JUDGMENT**

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1. The three assessors had returned with a unanimous opinion finding the accused guilty as charged on all counts.
2. Obviously, the three assessors had accepted the prosecution's version of events. It also meant that the three assessors had accepted the three child complainants' evidence and version of events.
3. I have reviewed the evidence called in the trial and I had directed myself in accordance with the summing up I delivered to the assessors today.

4. The 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 opinions must be treated with respect.
6. I had carefully listened to the three child complainants, while they were giving evidence in court. I had carefully observed their demeanors. In my view, they were credible witnesses. In my view, they were telling the truth.
7. Like the assessors, I accept their evidence. There was nothing that I could find that they were telling the untruth. I accept the prosecution's version of events. I accept the three assessors' unanimous opinion and I find the accused guilty as charged on all counts. I convict him accordingly on those counts.
8. Assessors thanked and released.



  
**Salesi Temo**  
**JUDGE**

**Solicitor for the State** : **Office of the Director of Public Prosecution, Nausori.**  
**Solicitor for the Accused** : **Legal Aid Commission, Nausori.**