

**IN THE HIGH COURT OF FIJI**  
**AT LAUTOKA**  
**CRIMINAL JURISDICTION**

**Criminal Case. No. HAC 121 of 2024**

**STATE**

**V**

**SOHAIL SHIFRAZ RAHIM & RIYA SINGH**

**Counsel for the State:** Ms. E. Cabemaiwai

**Counsel for the Accused:** Ms. Devi

**Dates of Trial:** 27th of January 2026

**Closing Speeches:** 30<sup>th</sup> January 2026

**Date of Judgment:** 6<sup>th</sup> March 2026

**JUDGMENT**

1. The Director of Public Prosecutions charged the accused by filing the following information:

**FIRST COUNT**

***Statement of Offence***

ATTEMPTED MURDER: Contrary to section 44(1) and 237 of the Crimes Act 2009.

***Particulars of offence***

SOHAIL SHIFRAZ RAHIM and RIYA SINGH on the 6th day of October 2022, at Sigatoka, in the Western Division, jointly attempted to murder JASWANT SINGH

**SECOND COUNT**

***Statement of Offence***

PERVERTING THE CAUSE OF JUSTICE: Contrary to section 190 (d) of the Crimes Act 2009.

***Particulars of Offence***

RIYA SINGH on the 6th day of October 2022 at Sigatoka in the Western Division, did pervert the cause of justice by persuading a State Witness from disposing a truthful sworn Statement to police during investigations.

## **BURDEN OF PROOF**

2. As matter of law, the burden of proof rests on the prosecution throughout the trial and it never shifts to the accused. There is no obligation on the accused to prove his innocence. An accused is presumed to be innocent until he or she is proven guilty. The standard of proof is one of proof beyond reasonable doubt.

## **ADMITTED FACTS**

Shohail Shiraz Rahim

3.
  - i) The juvenile was 16 years old at the relevant time in October 2022.
  - ii) The juvenile and the complainant are not known to each other.
  - iii) The alleged incident happened on the 6th of October 2022 at Cuvu Beach.
  - iv) The juvenile was present at the beach with others including Riya Singh.
  - v) The complainant was alleged to have been assaulted by the juvenile and another at Cuvu Beach.
  - vi) The abovementioned alleged incident cause injuries to the complainant.
  - vii) The medical Report of the victim I proposed to be agreed to.

Riya Singh

The juvenile and the complainant are not known to each other.

The alleged incident occurred on the 6th of October 2022.

The juvenile was present at the beach with others including Sohail,

The complainant was alleged to have assaulted by the juvenile and another at Cuvu beach.

The above-mentioned alleged incident caused injuries to the complainant.

## **ELEMENTS OF THE OFFENCE**

4.
  - a) The accused;
  - b) Engaged in a conduct; and
  - c) The said conduct was an attempt to cause the death of the complainant; and
  - d) The accused intended to cause the death of the complainant by his conduct.
5. For the accused to be guilty of attempted murder, the accused's conduct must be more than merely preparatory to the commission of the offence. The question whether a conduct is more than merely preparatory to the commission of the offences. In this trial, both the accused has denied committing the offences of attempted murder. It is for the prosecution to prove beyond reasonable doubt that it was the accused who had intended to kill the complainant and with that intention he did something which was more than merely preparatory.

6. Intention is not something that can be easily proved it is something that has to be judged by the acts or words of a person or of the circumstances that surrounds what he or she does. The law says a person has intention with respect to a result if he or she means to bring it about or is aware that it will occur in the ordinary cause of events. This court will decide intention by considering what the accused did, by looking at his actions before, at the time of, and after the act.
7. The prosecution must also prove that with the intention to kill, the accused did something which was more than merely preparatory. Before this court can find the accused guilty of the offence of attempted murder it must be satisfied beyond reasonable doubt of two things: first that the accused intended to commit the offences of murder and second, that, with that intention, he did something which was more than merely preparatory for committing that offence.
8. The third element is that the said conduct of both the accused was an attempt to cause the death of the complainant.
9. The final element is concerned with the state of mind of both the accused that they intended to cause the death of the complainant. It is not possible to have direct evidence regarding an accused's state of mind since no witness can look into the accused's mind and describe what it was at the time of the alleged incident. However, one can construe the state of mind of the accused from the facts and circumstances proved.
10. To prove the intention to cause the death of the complainant, this court should be satisfied that the accused intended to kill the complainant as a result of his conduct. In this regard this court should consider all the evidence and draw appropriate inferences to ascertain whether the accused had the intention to cause the death of the complainant.

### **Lesser Offence**

11. In this case, the Court will also consider a lesser offence after considering the evidence presented the prosecution is unable to satisfy the elements of the offence of Attempted Murder. The Court will consider the lesser offence of Act with intent To Cause Grievous Harm.
12. To prove the offence of act with Intent to cause Grievous Harm the prosecution needs to prove the following elements;
  - i) The first element is concerned with the identity of the accused person, which is admitted.
  - ii) The second element relates to the intention of the accused that he intended to do some grievous harm to the complainant,
  - iii) Whilst the final element relates to the result of the alleged conduct of the accused of doing grievous harm to the complainant.

“Grievous harm” as defined under Section 4(1) of the Crimes Act, is as follows;

*“Grievous harm “means any harm which—*

*Extends to permanent disfigurement, or to any permanent or serious injury to any external or internal organ, member or sense;”*

13. As I mentioned earlier intention of the accused is decided by considering what the accused did, this court should look at his actions before, at the time of, and after the act. Furthermore, unlawful means without lawful excuse and grievous harm means any dangerous harm to the body of another person.
14. If this court is satisfied that the prosecution has proved all the above elements of the offence of act intended to cause grievous harm beyond reasonable doubt, then it must find the accused guilty of the offence of act intended to cause grievous harm. However, if there is a reasonable doubt with respect to any element of the offence of act intended to cause grievous harm then it must find the accused not guilty of this offence.
15. The Court will also consider the offence of Assault Causing Actual Bodily Harm under section 245 of the Crimes Act 2009 in the event that the prosecution is unable satisfy the elements of Act with Intent to cause Grievous Harm.

## **Second Count**

16. Section 190(d) of Crimes Act 2009: **Perverting the course of Justice**; The elements are as follows;
  - i) The Accused
  - ii) obstruct, or
  - iii) in any way interferes with or
  - iv) knowingly prevents
  - v) the execution of any legal process (Civil or Criminal)

## **Summary of Evidence**

### **PW1: Jaswant Singh.**

17. At trial, the prosecution led evidence from three witness, the first witness was Jaswant Singh who is the complainant. He resides in Cuvu Sigatoka. On the day in question, he was with his grandchildren at Cuvu beach. He said he saw a group of youths and he identified one of the youths Riya who is the granddaughter of one of his brother.
18. He had questioned Riya as to the name of the i-taukei boy who had said quoted “I will kill all of them” but Riya replied that there was no i-taukei boy.
19. He reminded Riya that she was telling the i-taukei boy to shut up and keep quiet and she was also pulling his hand.
20. He said Riya then responded to the complainant saying that people do not need the permission from his approval to visit Cuvu beach. He said at the same time he received a punch on his skull from the back. He admitted that he was holding a stick on his hand. He said he swung the stick and at the same time Riya came in between and the stick landed on shoulder.

21. Further Riya was very angry and started swearing at complainant. He said the boy who punched him was very aggressive and was in a fighting mood. He said this was the same boy that hit him.
22. He said he saw the same boy last December when the boy approached him saying "you are Jaswant Singh" the further told him to withdraw his name from the list of people charged. He said he questioned the boy and the boy agreed that he was the same boy who punched him.
23. He identified and pointed at the first accused sitting in the accused box to be the same boy who punched him at Cuvu beach. He identified the second accused to be Riya who was with the 1<sup>st</sup> accused on that day. The second accused is also his brother's granddaughter.
24. In cross examination it was put to her that he struck Riya Singh on the left side of her cheek due to which she sustained injuries. He said he did not mean to hit her. It was put to him that Sohail came towards him to protect Riya. It was put to him that he struck Sohail twice on his back with a stick but he denied the same.
25. He said as far as Sohail is concerned he had come to know in December last year that Sohail was the one who truck him when Sohail approached him to withdraw his name. He said he did not lodge a complaint to police. He agreed that there is an ongoing conflict between Riya's family and the complainant's family after Riya's grandfather passed away.
26. He denied that it was due to the ongoing conflict that made him make false allegation against Riya and Sohail. He agreed that there are pending matters in the Sigatoka Magistrates Court where the Riya Singh is the complainant and he was the accused.

**PW2: Manueli Singh**

27. He said he was with his friends Kapil and Azhar at Cuvu beach that afternoon at 4.00pm swimming. He said he first heard Riya shouting and he came out of the water and saw her uncle there too.
28. He said he saw Sohail trying to pull Riya away and took her about 15 meters his uncle was moving towards his grandchildren. He said Sohail kick the water and it splashed onto his uncle His uncle turned around and moved towards Sohail.
29. He said he saw Sohail punched his uncle the complainant. He said his uncle tried to fight back but Sohail overpowered him and he pushed him into the water and kicked his face. He said the complainant was lying down his head was on the water. He said the complainant was lying motion less. When his uncle was trying to push Sohail, Riya came back.
30. He said he saw Riya punching his uncles back. He said Riya was also kicking whilst he was trying to push them both away. His uncle was a little bit unconscious and his face was about a little bit half way underwater. He said it was around 15 seconds when he dragged him out of the water and saw his uncle's nose was bleeding and his face swollen. He said it took the complainant two minutes to regain conscious.

31. He said he knew Riya and they went together to the same school. He identified Riya on the box and pointed at her. He said he also knew Shohail as he is one of his soccer friends. He identified Shohail and pointed at him on the box. Notice the incident between Riya, his uncle and Shohail whilst swimming in the sea. He said he heard Sohail and Riya swore at his uncle.
32. In Cross examination He said Riya and Shohail punched, kicked and assaulted the complainant.

**PW3: Dr. Niteen Kant**

33. He is a medical officer by profession and in 2022 he was serving at Sigatoka Divisional hospital in the role as a senior medical officer. On 6<sup>th</sup> October 2022 he was on duty and was the medical officer who examined the complainant when he was brought to the hospital.
34. Complainant had bruised ribs from the 8<sup>th</sup> to the 12<sup>th</sup> rib. His right-side face was traumatized with associated hematoma. The complainant nose was bleeding. He said there was no lacerations or injuries associated with any blade or any other weapon associated. He said the complainant was kept under observation a little over one hour and was cleared and safely discharged.
35. In cross examination he confirmed that the injuries are consistent with blunt force trauma. He said his right rib is damaged, as well as his left shoulder and the same time the back of the head is bruised as well as the front of the face. He said there was no fractures. If there was fractures Mr. Singh would have been admitted and referred to Lautoka hospital.
36. His prognosis of the injuries was that they are non-severe injuries. Patient should make a full recovery and full physical recovery, and was prescribe with ice. There was no internal bleeding after scan was made. He was unable to tell how many punches have landed on to the complainant
37. The State closes it case. The court finds that there are evidence presented by prosecution touches on all the elements of the two offences, the court finds
38. Perverting the Cause of Justice.

**Defence Case**

39. Both accused opted to give evidence in support of their case.

**DW1: Riya Singh**

40. She resides with her grandmother and mother at Cuvu in Sigatoka. She is a student at Fiji National University at Namaka campus studying Diploma in Hospitality and Tourism.
41. She recalls on the 6<sup>th</sup> of October 2022 she attended Cuvu College year 11.
42. They decided to take pictures and selfie at Cuvu beach. They were at the beach for about 10 to 20 minutes. Whilst walking along the shoreline towards supervising his grandchildren and upon seeing her he turned to them telling them that he had a stick in his hand.

43. He suddenly pointed the stick at her and asked her if her i-taukei friend had said something to him. She replied that he had no idea of what her friend had said to him. She said the complainant was standing on the shoreline. She said Jaswant Singh was asking her in a very rude and aggressive tone.
44. She was intimidated by his tone. He struck her with the stick which landed on the left side of her neck She received injuries on the left side of her neck as the result of the strike as indicated in her medical report. She tendered her medical report as DEX 1.
45. Sohail came to save her. He pushed her aside she ended up going further towards the entrance with the rest of his friends. She said Sohail was trying to take the stick away from Jaswant when Jaswant fell from where he was standing. They left the beach soon after that and Shohail's father came to their home they reported the matter to police at Sigatoka Police Station. She was then taken to Sigatoka Hospital for medical examination.
46. She denied the allegation that Sohail and herself swore at Jaswant Singh. She also denied the allegation that she punched and kicked Jaswant Singh. She said that Shohail did not punch and push Jaswant Singh into the sea. She said the allegations were untrue and was only reported because of a personal Family grudge since 2018.
47. She denied that one guy in their group had uttered the words "I'll kill them all". She said she did not see Sohail punched Jaswant. She denied swearing at Jaswant. She said Sohail did not punch or kick Jaswant whilst he was already in the water unconscious.
48. She denied taking part in kicking and punching Jaswant. She said Manueli was not there even when Jaswant fell no one came. She said Jaswant is her grandfather, she has a lot of respect for him. She will never do something like that to someone who is her elderly.
49. She said none of them saw Manueli. According to her Manueli was not there.

**DW 2: Shohail Shifraj Rahim**

50. In 2022 he was in year 11. On the 6<sup>th</sup> of October. He was attending classes at Cuvu College. At about 3.05 pm to 3.10 pm. He went with Trisha, Shannon and Riya to Shangri-La beach.
51. Whilst at the beach he heard Jaswant Singh calling Riya. Riya then went to Jaswant Singh and they were having a conversation. Whilst they were having a conversation, he saw Jaswant Singh hit Riya on the neck with a stick. He said he intervened and tried to separate them and that is when he got hit on his back with a stick.
52. He said he took the stick from Jaswant and that is when he fell towards the ocean side where the wave is coming. Riya came by took my hand and then we went to Riya's place. Riya reported the incident to her mother.

53. Further he said the complainant Jaswant also struck him with the stick and he went to Sigatoka Hospital and was medically examined by Doctor Niteen. He said he was given his medical report and the original copy is with the Police. He tendered his medical report marked as DEX2. He strongly disagreed with the proposition that they had punched and kicked Jaswant Singh.
54. In cross examination he strongly denied he step in and threw a punch to Jaswant's head. It was put to him that the complainants swung the stick upon Shohail but missed him and accidentally landed on Riya's Shoulder.
55. He denied that he continued to kick and punch Jaswant whilst he was lying face down in the water. He disagreed that the complainant was unconscious whilst lying in the water.
56. He said he did not see Manueli at the beach. He agreed there was no issues between his family and Jaswant's family. He said he did not utter the word "I will Kill them all" at the beach.
57. He confirmed that when Jaswant Singh fell down on the beach he was scared and Riya took his hand and they left. He said they went to Riya's place Riya told her mother and they went to report the matter at Sigatoka Police Station.
58. End of the Defence Case.

### **Analysis**

59. The prosecution submits that the complainant was talking and questioning the first accused Riya Singh asking her "who was that i-taukei boy who was with them at the beach towards Shangri la Hotel who had said I'll kill all of them".
60. The prosecution submits that the first accused Riha Singh is fully aware of the identity of the boy who said the threatening words "I'll kill all of them" as she was pulling the boy telling him to shut up.
61. According to the prosecution the complainant was still talking to the first accused Riya Singh when someone punched the back of his head and the complainant swung the stick he was holding in his hand and it landed the shoulder of Riha Singh.
62. The prosecution submits that the complainant had identified the accused Shohail last December when Shohail approached the complainant and explained to him that he was the boy who punched him at Cuvu beach. The complainant pointed the accused to be seating in the accused box.
63. The complainant had also identified Riya Singh the second accused as his brother's granddaughter. He knew her as he often visit his brother at his brother's residence where Riya Singh also lives. He pointed at the second accused to be Riya Singh his brother's granddaughter.

64. According to the complainants evidence he was never hit by Riya Singh. He agreed the relationship with Riya's family and the complainant's family were not a good one.
65. The prosecution submits that the second witness Manuelli Singh (PW2) was also at Cuvu beach on that day saw Shohail punched the complainant and pushed him into the water. The complainant tried to get up but he felt again that's when Shohail kicked him and the complainant went down he was lying down his head was on the water he was motionless.
66. The evidence of the doctor that who explained his findings as contained in his medical report tendered in as Prosecution exhibit 1.(D14) In his professional opinion injuries sustained was from blunt force trauma and consistent with the time of injuries. (D12) Findings: i) ribs bruised, ii) shoulder tenderness, iii) right output region bruised, iv) Right side facial trauma with right eye hematoma, v) Right chest mucosal hematoma and right nasal bleeding.
67. The doctor in his evidence confirmed that there was scan done on the complainant confirms there was no internal bleeding, there was no weapon used against complainant, and there was no fractures found on his body. Hence the doctor confirmed overall the injuries did not require hospital admission surgery or any advanced treatment. Complainant's condition was stable as the injuries were not life threatening. The complainant was under observation for one hour and released to go home.
68. The defence for both the accused had submitted that the complainant had struck Riya Singh with the stick which he was holding on her neck and shoulder area. There is also evidence from the defence that complainant also struck Shohail with the stick.
69. The defence totally deny the assault by the two accused persons. For accused one and two both denied the allegations that neither of the two accused persons Riya Singh nor Shohail had punched or kicked the complainant at the beach.
70. The defence submits that the prosecution has failed to prove the element of intention to kill. And there was no premeditation, no planning no prior threats.
71. I accept the evidence of prosecution witness Manuelli Singh that he was at the beach on that day and saw the two accused punching and kicking the complainant who was his uncle. He identified accused one as Riya whom he had attended the same school together, hence also identified Shohail as his friend and they used to play soccer together.
72. I accept the prosecution evidence that the complainant was pushed by Shohail and he felt down on the sea shore lying flat on his stomach and was unconscious after the two accused continued to kick the same.
73. The evidence of the doctor that the injuries were not life threatening as there was no fractures, no internal bleeding, and no weapon was used, only bruises and bleeding

from the nose with hematoma. Thus the patient was only under observation at the hospital for one hour and released to go home.

74. I agree with the defence that prosecution was unable to prove the element of intention to kill. Prosecution has submitted that the evidence of PW1 that he heard someone saying "I will kill them all". Obviously, it was unclear as to who had said these words. The prosecution could not identify the person who had said these words. There was no evidence to confirm that it was the 1<sup>st</sup> or 2<sup>nd</sup> accused or the other students who accompanied the two accused. There was evidence that the two accused was seen punching and kicking the complainant. It was not clear as to the numbers of kicks and punch done to the complainant. But what was clear was the injuries sustained by the complainant were not serious or permanent injuries, no internal bleeding, no fractures, simply bruises, minor bleeding from the nostrils and hematoma. The injuries are not life threatening and the complainant was kept for an hour under observation before released to go home.
75. In the case of **State v Waganisevula (2024) FJHC HAC 088.2019** the Court made the following observations;
- The prosecutions must also prove that the accused did something which was more than merely preparatory. Before the Court can find the accused guilty of the offences of Attempted Murder it must be satisfied beyond reasonable doubt of two things;
- i) that the accused intended the offence of murder.
  - ii) with that intention he did something which was more than merely preparatory to commit the offence.
76. In this case the evidence adduced in trial revealed there was insufficient evidence to prove all the elements of the offence of Attempted Murder. Thus, the prosecution was also unable to satisfy the elements Act with Intent to Cause Grievous Harm. The injuries sustained by the complainant from the assault was not permanent or serious injuries, however, the evidence of the assault fully satisfies the elements of offence of Assault Causing Actual Bodily Harm.
77. I accept the evidence by Manuelli Singh that he was there and saw the two accused Riya Singh and Shohail punched and kicked the complainant whilst he was lying near the seashore.
78. The sustained injuries highlighted in complainant's medical report tendered in as part of the prosecution evidence. The injuries were blunt force trauma and was consistent to the assault by the two accused.
79. I do not accept that the two accused intended to kill the complainant. Had this been the case, the complainant would have received life-threatening injuries on his body. The medical report of complainant and the evidence of Dr. Niteen support the contention that minimal force was used and there was no weapon used during the assault

80. I have once again carefully examined the evidence in totality, and I am satisfied that the evidence adduced does not satisfy the offence of **attempted murder. I also ruled out the offence of act with intent to cause Grievous harm.** However, this court is satisfied that the evidence satisfies all the elements of the offence of **Assault Causing Actual Bodily harm.**

**Second Count: Perverting the Course of Justice**

81. Prosecution through all the evidence presented was unable to prove the elements of the offence of Perverting the course of Justice therefore the count falls.

**CONCLUSION**

82. This court is not satisfied beyond reasonable doubt that both accused Riya Singh and Shohail Sifraz Rahim on 6<sup>th</sup> October 2022 had **attempted to murder** Jaswant Singh. Both accused are acquitted of the charge of **attempted murder.** However, this court satisfied beyond reasonable doubt that both accused on 6<sup>th</sup> October 2022 had assaulted Jaswant Singh causing him bodily injuries.

83. In view of the above, I find the accused guilty of the lesser offence of Assault Causing Actual Bodily Harm and both accused are convicted accordingly.

84. For the second count of Perverting Course of Justice, I found the accused not guilty and I acquitted him accordingly of the same.

85. This is the Judgment of the court.

.....  
Sekonaia V. Vodokisolomone  
**Judge**



**At Lautoka**

06<sup>th</sup> day of March 2026

**Solicitors:**

**Office of the Director of Public Prosecutions for the State  
Ace Legal for the Accused**

---