

IN THE HIGH COURT OF FIJI
AT LAUTOKA
CRIMINAL JURISDICTION

CRIMINAL CASE NO.: 077 OF 2012

STATE

-v-

- 1. JOKIBO BUARAVI**
- 2. LAISENIA TAMANI**

Counsels : Mr. Timoci Qalinauci for the State
Accused 1 and Accused 2 in Person

Date of Trial : 03 – 06 June 2013

Date of Judgment : 07 June 2013

JUDGMENT

- (1) The trial commenced on the 3rd June and concluded on 6th June 2013. All three assessors unanimously found both the accused not guilty on the two counts of aggravated robbery.
- (2) Obviously, the three assessors have not accepted the prosecution's version of events. It appeared prosecution has not proven the case beyond reasonable doubt.
- (3) I direct myself in accordance with the Summing up I delivered to the assessors yesterday.
- (4) I have also reviewed the evidence called in the trial.

- (5) I find the verdict of the assessors was not perverse. It is open to them to reach such a conclusion on the evidence.
- (6) It is Judge's duty to listen to the view of the community when it comes to a conflict of the version of events between the complainant and the accused.
- (7) In this case, the assessor's verdict is not binding on me. However, on a careful assessment of the case, I am prepared to accept their unanimous Not Guilty verdict on both counts and give the accused the benefit of doubt.
- (8) I concur their verdict. Considering all I find both the Accused not guilty as charged on both counts.
- (9) Accordingly I acquit Jokibo Buaravi and Laisenia Tamani on two counts of aggravated robbery punishable under section 311 (1) (a) of the Crimes Decree, 2009.

Sudharshana De Silva
Judge

At Lautoka
7th June 2013

Solicitors: The office of the Director of Public Prosecution for State

Both Accused in person