

IN THE HIGH COURT OF FIJI
AT SUVA
CRIMINAL JURISDICTION
CRIMINAL CASE NO. HAC 125 OF 2013S

STATE

VS

JOSAIA TUIDRAKI

Counsels : **Mr. Y. Prasad for State**
Ms. N. Nawasaitoga and Mr. M. Fesaitu for Accused

Hearings : **30th September, 1st and 2nd October, 2013**

Summing Up : **3rd October, 2013**

Judgment : **3rd October, 2013**

JUDGMENT

1. The three assessors have returned with a unanimous guilty verdict against the accused, on a count of rape. They have found the accused guilty of raping the 9 year old complainant on 16th March 2013 at Natauloa Nairai, contrary to section 207 (1) and (2) (a) and 3 of the Crimes Decree 2009.
2. Obviously, the three assessors have accepted the prosecution's version of events. They have accepted the complainant's visual and voice identification of the accused as the person who raped her at the material time. It appeared they have also accepted the accused's alleged confession and that he gave the same voluntarily.
3. I have reviewed the evidence called in this trial.
4. I have directed myself in accordance with the summing up I gave the assessors today.

5. In my view, the assessors' verdict was not perverse. It was open to them to reach such conclusion on the evidence. I agree with their verdict. I accept the 9 year old girl's visual and voice identification of the accused on 16th March 2013, as the person who raped her at the material time.
6. I also accept the accused's confession. I find it was given voluntarily and out of his own free will. I accept the prosecution's witnesses' evidence. I reject the accused's denials.
7. I find the accused Guilty as Charged and convict him accordingly.
8. Assessors thanked and released.

Salesi Temo
JUDGE

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