

IN THE HIGH COURT OF FIJI
AT LAUTOKA
CRIMINAL JURISDICTION

CRIMINAL CASE NO.: 97 OF 2013

STATE

-v-

VIJAY KUMAR

Counsels : Ms K. Semisi for the State
Mr. R. Kumar for the accused

Date of Trial : 8 November-14 November 2013

Date of Summing Up : 14 November 2013

Date of Judgment : 14 November 2013

(Name of the victim is suppressed. She will be referred to as AS)

JUDGMENT

1. The Accused is charged under following count:

COUNT 1

Statement of Offence

RAPE: Contrary to Section 207 (1) and (2) (b) and (3) of the Crimes Decree No.44 of 2009

Particulars of Offence

VIJAY KUMAR, on the 7th day of April 2013 at Nadi in the Western Division, penetrated the vagina of **AS**, an 8 year old girl, with his finger.

2. Majority of the assessors found accused guilty of the above count.
3. I direct myself in accordance with the law and the evidence which I discussed in my summing up to the assessors.
4. Considering the nature of the evidence before the court, I am convinced that the prosecution had proved the case beyond reasonable doubt.
5. I find the verdict of the majority of the assessors were not perverse. It was open to them to reach such a conclusion on the evidence. I concur with majority verdict. Considering all I find the accused guilty as charged in respect of the count of Rape.
6. Accordingly, I convict Vijay Kumar for Rape contrary to Section 207 (1) and (2) (b) and (3) of the Crimes Decree, No.44 of 2009.
7. This is the Judgment of the Court.

Sudharshana De Silva

JUDGE

**At Lautoka
14 November 2013**

**Solicitors : Office of the Director of Public Prosecution
Legal Aid Commission for the Accused**