

IN THE HIGH COURT OF FIJI
AT SUVA
CRIMINAL JURISDICTION
CRIMINAL CASE NO. HAC 293 OF 2011S

STATE

VS

SANAILA NAIVANA

Counsels : **Mr. T. Qalinauci and Ms. M. Khan for the State**
Mr. A. Vakaloloma for Accused

Hearings : **19 to 23 May, 2014**

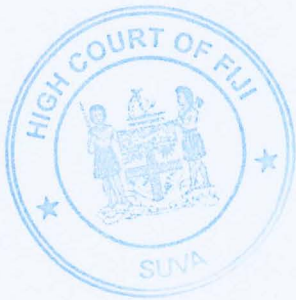
Summing Up : **27 May, 2014**

Judgment : **27 May, 2014**

JUDGMENT

1. The three assessors have returned with a unanimous guilty verdict against the accused on count no. 1 (aggravated burglary) and count no. 2 (theft).
2. Obviously, they have accepted the prosecution's version of events. In other words, they have accepted that, when caution interviewed by police on 10 September 2011, the accused made a confession to the police out of his own free will.
3. I have reviewed the evidence called in the trial and I have directed myself in accordance with the Summing Up I gave the assessors today.

4. The conclusion reached by the assessors was not perverse. It was open to them to reach such conclusion on the evidence.
5. I agree with the assessors' opinion and I accept them. I accept the prosecution's witnesses' evidence that the accused confessed to the crimes voluntarily when caution interviewed by police on 10 September 2011. I reject the accused's evidence that he did so involuntarily.
6. Given the above, I find the accused guilty as charged and convict him accordingly on counts no. 1 and 2.
7. Assessors thanked and released.



Salesi Temo
JUDGE

Solicitor for the State
Solicitor for the Accused

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Office of the Director of Public Prosecution, Suva.
Vakaloloma & Associates, Barristers & Solicitors, Suva.