

IN THE HIGH COURT OF FIJI
AT LABASA
CRIMINAL JURISDICTION

Criminal Case No.67 of 2013

STATE

v

ASHOK CHAND

Counsel: Mr M. Mataiva for the State
Mr. A. Kohli for the accused.

Dates of trial: 18,19 August 2014

Date of Judgment: 19 August 2014

JUDGMENT

Ashok Chand, you have been charged with the following offence:

Statement of Offence

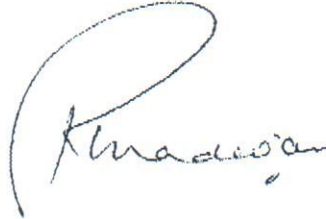
Rape : contrary to section 207(1) and 207(2)(a) of the Crimes Decree 44 of 2009

Particulars of Offence

Ashok Chand on the 27th day of August 2013 at Vualiaki, Daku, Wainikoro, in the Northern Division had sexual intercourse with Monisha Mohini Prasad without her consent.

2. In the unanimous opinion of three assessors you have been found not guilty of the offence.
3. The only issue at trial was the issue of consent. The victim says that she was home alone at 7am on the 27th August. Her husband had gone to work. You went to her house on the pretext of leaving a work book with her. She says you seized her from behind, forced her on to a bed and raped her.
You say, in an interview under caution that you two did have sex but it was consensual. You add that you two had been in a sexual relationship for about a year.
4. The case therefore must be determined on this question of consent and thereby it is an issue of credibility of the complainant.
5. In such a situation the Court will give all weight to the opinion of the assessors, given their experience of life and their knowledge of the way of life in this jurisdiction. In directing myself on my own summing up, I accept the opinions of the assessors and find you not guilty. You are acquitted and discharged.

6. That is the judgment of the Court.



P.K. Madigan
Judge

At Labasa
19th August 2014.

