

IN THE HIGH COURT OF FIJI

AT SUVA

CRIMINAL JURISDICTION

CRIMINAL CASE NO. HAC 122 OF 2013S

**STATE**

**VS**

**AREVAKASATE RAIKAVUKA**

**Counsels : Ms. S. Naidu and Ms. S. Lodia for State  
Mr. J. Savou for Accused**

**Hearings : 11, 12 and 15 September, 2014**

**Summing Up : 16 September, 2014**

**Judgment : 16 September, 2014**

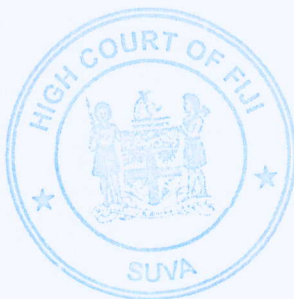
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**JUDGMENT**

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1. The three assessors have returned with a unanimous not guilty verdict against the accused on all 3 counts.
2. Obviously, the three assessors have rejected the prosecution's version of events. They have found that the prosecution had not proven its case against the accused beyond a reasonable doubt.
3. I have reviewed the evidence called in the 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.

6. Assessors are there to assist the trial judge come to a decision on the guilt or otherwise of the accused. I accept the assessors' unanimous not guilty opinion on the accused on the three counts. Both PW1 and PW2 did not provide the primary evidence to ground count no. 1 and 2.
7. The accused's caution interview statements were suspect, because it was not done properly. Accused was not first interviewed in "i-taukei" and recorded as such. There was no proper interpretation of an "i-taukei" interview notes to English. There was no witness officer to the interview. The accused's educational level was not obtained. On the whole, the caution interview of the accused was not done properly and I therefore reject the same as evidence. Once the interview statements are rejected, the State's case cannot stand.
8. Given the above, I find the accused not guilty as charged on counts no. 1, 2 and 3 and I acquit him accordingly.
9. 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.**