

IN THE HIGH COURT OF FIJI

AT SUVA

CRIMINAL JURISDICTION

CRIMINAL CASE NO. HAC 157 OF 2013S

STATE

vs

TOMASI BAGAGA

**Counsels : Ms. A. Vavadakua and Ms. V. Prasad for State
Mr. J. Savou for Accused**

Hearings : 24 and 25 February, 2015

Summing Up : 26 February, 2015

Judgment : 26 February, 2015

JUDGMENT

1. The three assessors have returned with a unanimous guilty verdict against the accused for cultivating, without lawful authority, 5.5 kg of marijuana plants (*cannabis sativa*), on 16.12.12 at Naitasiri in the Central Division.
2. Obviously, the three assessors have accepted the prosecution's version of events. They have found that the prosecution had proven the accused's guilty beyond a reasonable doubt.
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 three assessors' verdict was not perverse. It was open to them to reach such conclusion on the evidence.

5. I accept the three assessors' unanimous opinion. I agree with them. I find the prosecution witnesses' evidence credible and I find as a matter of fact that the accused was cultivating illicit drugs (cannabis sativa) on 16.12.12, at Naitasiri, without lawful authority. I find him guilty as charged and I convict him accordingly.
6. Assessors thanked and released.



Salesi Temo
JUDGE

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