

IN THE HIGH COURT OF FIJI

AT SUVA

CRIMINAL JURISDICTION

CRIMINAL CASE NO. HAC 350 OF 2013S

STATE

vs

EMORI NAQARASE

Counsels : Mr. Y. Prasad and Ms. V. Prasad for State
Mr. T. Tawake for Accused

Hearings : 26, 27 and 30 March, 2015

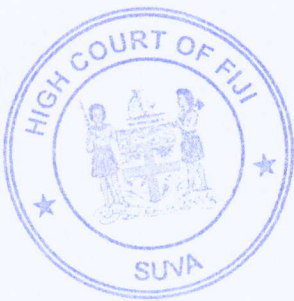
Summing Up : 30 March, 2015

Judgment : 30 March, 2015

JUDGMENT

1. The three assessors have returned with a unanimous guilty verdict against the accused on count no. 1 (arson) and count no. 2 (escaping from lawful custody).
2. Obviously, the three assessors have found that the prosecution had proven the accused guilt beyond a reasonable doubt.
3. I have reviewed the evidence called in this trial and I have directed myself in accordance with the Summing Up I gave the assessors today.
4. The assessors' verdict was not perverse. It was open to them to reach such conclusion on the evidence.

5. Assessors are there to assist the trial judge come to a conclusion on the guilt or otherwise of the accused.
6. I agree with the three assessors' verdict. I accept their opinion. I find the prosecution's witnesses evidence credible and I accept them. I reject the accused's denials, because I find him not to be a credible witness.
7. Given the above, I find the accused guilty as charged on both counts and I convict him accordingly on those counts.
8. Assessors thanked and released.




Salesi Temo
JUDGE

Solicitor for the State
Solicitor for Accused

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Office of the Director of Public Prosecution, Suva.
Legal Aid Commission, Suva.