IN THE HIGH COURT OF FIJI CRIMINAL JURISDICTION AT LAUTOKA

CRIMINAL CASE: HAC 111 OF 2014

BETWEEN

: STATE

<u>AND</u>

: SENIJIELI BOILA

Counsel

: Mr. Niudamu J with Mr. Nath S. for State,

Ms. Jiuta S. for the Accused Person,

Date of Hearing

8th - 10 of April 2015

Date of Summing Up:

13th of April 2015

SUMMING UP

Madam Assessors and Gentleman Assessor.

- 1. The hearing of this case has now reached to its conclusion. It is my duty to sum up the case to you. You will then retire to consider your respective
 - opinions.
- 2. Our functions are different. It is my task to ensure that the trial is conducted according to law. As part of that, I will direct you on the law that applies in this action. You must accept the law from me and apply all directions I give you on matters of law.

- 3. You are to determine the facts of the case, based on the evidence that has been placed before you in this courtroom. That involves deciding what evidence you accept or refuse. You will then apply the law, as I shall explain it to you, to the facts as you find them to be, and in that way arrive at your opinion.
- 4. I may comment on the facts if I think it will assist you in considering the facts. While you are bound by directions I give as to the law, you are not obliged to accept any comment I make about the facts. Hence, it is entirely upon you to accept or disregard it unless it coincides with your own independent opinion. I say so because you are the sole judges of the facts.
- 5. You must reach your opinion on the evidence, and only on the evidence itself. The evidence is what the witnesses said from the witness box, and the documents and other materials received as exhibits. A few things you have heard during the cause of the hearing are not evidence. This summing up is not evidence, and statements, arguments, questions and comments made by the counsel or accused person are not evidence either. The purpose of the opening address by the learned counsel for the prosecution was to outline the nature of evidence intended to be put before you. The closing addresses of the counsel are not evidence too. They were their arguments, which you may properly take into account when you evaluating the evidence, but the extent to which you do so are entirely a matter for you.
- 6. If you heard, or read, or otherwise learned anything about this case outside of this courtroom, you must exclude that information or opinions from your consideration. Have regard only to the testimony and the exhibits put before you in this courtroom since this trial began. Ensure that no external influence plays a part in your deliberation. As judges of facts you are allowed to talk, discuss and deliberate of facts of this case among yourselves only. However,

each one of you must reach your own conclusion or form your own opinion. You are not required to give reason for your opinion, but merely your opinions themselves. Your opinion need not be unanimous, though it would be desirable if you could agree on them. I must emphasise you that I am not bound by your opinion, but I assure you that I will give the greatest possible weight on your opinions when I form and deliver my judgment.

- 7. Moreover, I must caution you that you should dismiss all feelings of sympathy or prejudice, whether it is sympathy for or prejudice against the accused or anyone else. No such emotion has any part to play in your decision, nor should you allow public opinion to influence you. You must approach your duty dispassionately; deciding the facts upon the whole of the evidence. It is your duty as judges of facts to decide the legal culpability as set down by law and not the emotional or moral culpability of the action.
- 8. Matters which will concern to you are the credibility of the witnesses, and the reliability of their evidence. It is for you to decide whether you accept the whole of what a witness says, or only part of it, or none of it. You may accept or reject such parts of the evidence as you think fit. It is for you to judge whether a witness is telling the truth and correctly recalls the facts about which he or she has testified.
- 9. You have seen how the witnesses presented in the witness box when answering questions. Bear in mind that many witnesses are not used to giving evidence and may find the different environment distracting. Consider the likelihood of the witness's account. Does the evidence of a particular witness seem reliable when compared with other evidence you accept? Did the witness seem to have a good memory? You may also consider the ability, and the opportunity, the witness had to see, hear, or know the things that the

witness testified about. Another point may be; has the witness said something different at an earlier time? These are only few general considerations which I assumed will assist you in your deliberation. It is, as I have said, up to you to assess the evidence and what weight, if any, you give to a witness's evidence or to an exhibit.

Burden and Standard of Proof

- 10. I now turn to the issue of burden and standard of proof. The accused is presumed to be innocent until he is proven guilty. The presumption of innocent is in force until you form your own opinion that the accused is guilty for the offence based on the evidence presented during the cause of this hearing.
- 11. The burden of proof of the charge against the accused person is on the prosecution. It is because the accused person is presumed to be innocent until he is proven guilty. Accordingly, the burden of proof rest on the prosecution throughout the trial and it never shifts to the accused person. In other word, there is no burden on the accused person to prove his innocence, as his innocence is presumed by law.
- 12. The standard of proof in criminal trial is "proof beyond reasonable doubt". It means that you must be satisfied in your mind that you are sure of the accused person's guilt. If there is a riddle in your mind as to the guilt of the accused person after deliberating facts based on the evidence presented, that means, that the prosecution has failed to satisfy you the guilt of the accused person beyond reasonable doubt. If you found any reasonable doubt as to the commission of the offence as charged or any other offence by the accused, such doubt should always be given in favour of the accused person.

The Information.

13. The accused person is charge with one count of aggravated robbery contrary to section 311 (1) (b) of the Crimes Decree. The particulars of the offence are that;

"Senijeli Boila with three others on the 15th of August 2014, at Nadi in the Western Division being armed with offensive weapons, namely iron rod and cane knife robbed Sunil Prasad and Ranjeet Prasad of \$ 50,000 cash, the property of City Forex Fiji Limited."

14. Section 311 (1) (b) of the Crimes Decree states that;

"A person commit an indictable offence if he or she -

b. commits a robbery and, at the time of the robbery, has an offensive weapon with him or her".

15. The offence of robbery has defined under section 310 of the Crimes Decree, where it states that;

"A person commits an indictable offence (which is triable summarily) if he or she commits theft and —

- (a) Immediately before committing theft, he or she—
 - (i) uses force on another person; or
 - (ii) threatens to use force then and there on another person —

with intent to commit theft or to escape from the scene; or

- (b) at the time of committing theft, or immediately after committing theft, he or she—
- (i) uses force on another person; or
- (ii) threatens to use force then and there on another person—

with intent to commit theft or to escape from the scene.

- 16. It appears that the offence of robbery is an aggravating form of theft. Accordingly the main elements of the offence of aggravated robbery that the prosecution is required to prove beyond reasonable doubt are that;
 - i. The accused,
 - ii. Dishonestly appropriates \$ 50,000 cash belong to City Forex Fiji Limited,
 - iii. With the intention of permanently deprive it,
 - iv. And used force or threaten to use force on Mr. Sunil Prasad and Ranjeet Kumar immediately before or after stealing \$50,000 cash,
 - v. Use an offensive weapon when committing this crime,
- 17. I now take your attention to what constitute offensive weapons. It includes an article made or adapted for use for causing injury to or incapacitate a person. In addition to that if a person holds an article with intends or threatens to use it to cause injury to or to incapacitate another person.
- 18. Accordingly, it is the onus of the prosecution to establish beyond reasonable doubt that the accused person with three others robbed \$ 50,000 cash from Sunil Prasad and Ranjeet Prasad, the property of City Forex Fiji limited on 15th of August 2014 at Nadi town and used offensive weapons to commit that crime.
- 19. I now kindly request you to draw your attention to the agreed facts which are before you. I do not wish to reproduce them in my summing up. You are allowed to consider these agreed facts as proven facts beyond reasonable doubt against the accused person by the prosecution.

- 20. It is important to note that proof can be established only through evidence. Evidence can be presented in the forms of:
 - i. Direct evidence,
 - ii. Circumstances evidence,
 - iii. Documentary evidence,
 - iv. Expert evidence.
- 21. The direct evidence is the evidence of a person who saw, heard and/or felt the offence being committed. This evidence may directly prove a thing.
- 22. However, in addition to facts directly proved by the evidence, you may also draw inferences- that is, deductions or conclusions- from facts which you find to be established by the evidence. If you are satisfied that a certain thing happened, it may be right to infer that something else occurred. That will be the process of drawing an inference from facts. For example, suppose that when you went to sleep it had not been raining, and when you woke up you saw rainwater around. The inference would be that it had rained while you were asleep. These are circumstances evidence. Witness who gives evidence in this nature actually did not see, hear or feel the offence being committed, but gives evidence of relevant circumstances and the events, from which you are able to make certain conclusion of the commission of the offence. Those inferences should certainly and only find the accused is guilty of the offence. If the circumstances or the event established by evidence suggest you some other probable circumstances or inferences, which show the innocence of the accused or creates a doubts as to his guilt or innocence, you are not entitled to draw any inference of guilt of the accused person.

- 23. The evidence presented in the form of documents is considered as documentary evidence. In this case, the prosecution tendered the copy of caution interview and the charging statement of the accused person in the form of documentary evidence.
- 24. I now draw your attention to summarise the evidence presented by the prosecution during the hearing.
- 25. The first prosecution witness is Mr. Sunil Prasad, who works at the City Forex Fiji Limited. Mr. Prasad in his evidence stated that this robbery took place at the car park of City Forex office in Nadi around 11 a.m. on 15th of August 2014. He stated that he had to go to their branch at the Nadi International Air Port to drop \$ 50,000. He packed the cash in a green bag and locked it with a padlock and put it into another bag which is a normal carry- on bag. He left his office at around 11 a.m. with his security officer Ranjeeth and walked down to the car park which is few meters away from their office. Ranjeet carried that bag with the cash. While he was about to seated at the driver's seat of the vehicle, he saw a vehicle came and parked in front of the gate. A man came out from the car and ran towards them carrying a screw driver in his hand. He threatened him to stay away from the car and went to the passenger side of it, where Ranjneet was seated with the bag with cash. At that point, another man ran towards him, holing a cane knife in his hand. He ordered him to lie down on the ground. Mr. Prasad lied down on the ground, as the man who was holding the knife was standing close to him. He held his knife over the head of Mr. Prasad. He then heard that the man, who came first, was running back and the man who was holding the knife over his head too moved away and ran back to the vehicle. Mr. Prasad then got up and ran towards the gate to look at the registration number of the said vehicle. He saw

two other men were at the car when he got up. He saw the registration number of the vehicle. It was LT 2711.

- 26. Mr Prasad further stated that the two men came and robbed them had masked and covered their faces. He said that he couldn't even identify the other two men as he did not see them properly. He did not notice any other descriptions of those men who robbed them.
- 27. During his evidence, Mr. Prasad identified the green bag and the cash stolen from him and tendered them as prosecution exhibits. He stated that the road was clear when he walked into the car park and no vehicle was parked along the road.
- 28. The second prosecution witness is Mr. Ranjeet Prasad, who is the security officer at City Forex Fiji Limited. He was asked by Mr. Sunil Prasad, to go to Nadi Airport. He was given the bag with money. They then walked to the car park. He carried the bag to the car park and put it on the back seat of the car. At that point four men came towards them and forced them to lie down on the ground, which they did. While they were laying down on the ground, they took the money. He stated that two men attacked them. They were armed with knife and iron rods. He also informed that he couldn't identify the men as they were masked.
- 29. Police Constable Usaia Nataruku is the third prosecution witness. He is a police officer attached to Western Division Headquarters. He drove the truck that transported the prisoners from Latuoka prison to the Sigatoka court house on 15th of August 2014. He was accompanied by Cpl Semi Ravuiwasa and Cpl Maciu Temo. When he dropped the prisoners at the Sigatoka Police station, they were informed about this robbery by the officers at the Police

station. Cpl Usaia stated that they were informed that the suspects had fled towards Sigatoka side in a vehicle. They first used a taxi number plate and then it has changed to private number plate of HE 804. The vehicle has abandoned at the Pacific Energy Service Station due to a tyre puncture. He together with Cpl Semi, Cpl Maciu and Cpl Apakuki of Sigatoka Police station went to the town in his truck. They found the abandoned car with the number plate of HE 804. The team inquired from the browser station and was told that the passengers came in the car, went towards the minivan stand.

- 30. Cpl Usaia further stated in his evidence that they then went to the minivan station and inquired from the loading boys and the restaurant at the minivan station. They found that four men have boarded into a minivan and left to Suva 10 minutes ago. They then went after the said minivan. Cpl Usaia drove the truck and other three officers were accompanied him.
- 31. They managed to catch the minivan when it stopped to drop off passengers at Tagaqu village. Cpl Semi, Cpl Maciu and Cpl Apakuki went and searched the van. Cpl Usaia stayed in the truck and observed from there. He saw that one man jumped out of the van and tried to run away, while three police officers were questioning the passengers from outside. The man was carrying a black bag in his hand. While he was trying to ran away, the bag fallen off his hand. Three Police officers tried to get hold of him, while Cpl Usaia got down and went to pick the bag. He found that it was a black bag and a green bag was inside of it. From the opening of the green bag he found that it contains cash. The green bag was locked with a padlock and the word "airport" has written on it. He then helps Cpl Semi and Cpl Macui to arrest the man who tried to escape. He positively identified the accused as the person whom they arrested on that day while trying to escape from the minivan.

- 32. During his cross examination, Cpl Usaia stated that none of the police officers ordered the passengers to get off from the minivan. He affirmatively stated that the accused hold the bag and not the other suspect who also arrested at that point. He handed over the bag with the cash to the crime officer Sigatoka A/IP Esira Bari, who also came to the scene at that time.
- 33. Cpl Usaia admitted that he made three separate statements to the Police regarding this incident and lied in his first two statements. He stated that he had to lie because his boss Divisonal Crime Officer Manasa Talala asked him not to tell the truth of this incident. He testified that he lied in his previous statements that the villagers also involved in arresting the accused and also about the handing over of the money to the Divisional Crime Officer. He stated in his evidence that he actually handed over the money with the bag to the crime officer of Sigatoka.
- 34. The next prosecution witness is Cpl Semi Ravuiwasa. He accompanied Cpl Usaia to Sigatoka to drop the prisoners on 15th of August 2014. When they reached to Sigatoka and dropped the prisoners at the Sigatoka Police station, they were informed about this robbery by the station officer. He went to the town with Cpl Usaia, Cpl Macui, and Cpl Apakuki. He stated that they went to the service station, then to the Vilisite's restaurant at the minivan stand. At the restaurant, they found that the four men had got into a minivan and left to Suva some 20 minutes ago. They then went after the minivan and found it at Tagaqu village.
- 35. The minivan stopped to drop off a passenger, then they managed to reach to it. Cpl Semi, Cpl Macui and Cpl Apakuki went to the van. Semi and Macui were standing beside the passengers' sliding door and questioned the passengers. Cpl Semi stated that none of the passengers responded. He found

a man who was sitting just beside the door acted suspiciously. He had a black bag in his hand. He questioned that person. At that time that person got off from the van and punched him and tore his uniform. He tried to escape but Sami and Macui managed to arrest him. He identified the accused in court as the person who tried to escaped and punched him near the minivan on that day.

- 36. During his cross examination, Cpl Semi stated that the man who seated at the passenger door side had the black bag. Later he stated that the accused was seated at the window side of the seat. He dined that the accused was assaulted by them.
- 37. The fifth prosecution witness is Cpl Maciu Temo. He was with Cpl Usaia, and Cpl Semi on that day and transported prisoners to Sigotoka. While they were at the Sigtoka police station, they were informed by the station officer about this robbery. Furthermore, the station officer informed them that he received a call from Pacific Energy Service Station that a car had been abandoned at the service station. They went to the service station and found the abandoned car. He noticed the registration number of it as HE 804 and found a cane knife inside it. They then went to Vilisitie's restaurant as they were told by the browser attendances that the passengers of this car walked towards that side. They found that some passengers got into a minivan which has left for Suva sometimes ago. They then went after that minivan and found it at Tagaqu village. He together with Semi and Apakukui went and searched the minivan. He was standing beside Semi at the back sliding door. Semi inquired from the passengers. Meantime, Cpl Macui observed one passenger who seated right beside the door was acting suspiciously. Cpl Semi questioned that person, while Macui moved to the back of the van to open the back door of the van. At that time he heard that Semi yelled and said that he was punched by that

person. He saw that person tried to run towards the church at the other side of the road. They followed him and managed to arrest him with the help of Usaia. While he was running, the black bag that he was holding fallen off of his hand. Usaia picked that bag and kept with him. He identified the accused person as the person who tried to escape with a black bag in his hand.

- 38. During his cross examination, Cpl Macui reaffirmed that it was the accused that had the black bag in his hand and not the other suspect they arrested at the same place. He deposed that only the accused resisted for arrest and other suspect did not. He admitted that he did not check what inside the bag.
- 39. The sixth prosecution witness is senior pastor Tevita Navuasese. He stated in his evidence that he boarded into the minivan at the Kula eco park near Outrigger hotel with a friend of him. He seated on the single seat beside the door. He got off at Tagaqu village. While he was paying his fair, three police officers came and started questioning the passengers. They first ordered a man who seated in front of him to get off the van. They then asked another man who seated just behind the driver's seat to get off. Pastor Tevita stated that the second man was carrying a black bag with him. He saw it was place in front of him while he was traveling. He identified the accused person as the person who was carrying with a black bag.
- 40. The person who seated in front of him first get off the van and stood beside the van. The accused then got off and try to ran away with his bag. While he was tried to run away, he collided with Pastor Tevita. Three police officers managed to arrest him inside the church compound. The bag was pulled away by one of the police officers. The pastor saw what inside the bag as one of the police officers open it. He noticed there was a green bag inside the black bag. The green bag contained cash.

- 41. During his cross examination, Pastor Tevita stated that it took about five minutes for this incident to took place. He stated in his cross examination that the accused punched one of the police officers while he was trying to escape. He admitted that he gave his statement to the police on 31st of March 2015.
- 42. The next prosecution witness is A/ IP Esira Bari. He is the crime officer of Sigatoka Police station. He was on duty on 15th of August 2014. He was informed about this robbery and asked by the Western Division Headquarters to set up road blocks and check the vehicles coming from Nadi towards Suva. He set up road blocks and was at the Korolevu police post. He then received a call from Cpl Apakuki that they have managed to arrest two suspects at Tagaqu village. He went there in a twin cab. At Tagagu village he was handed over a black bag by Cpl Usaia. He checked it and found a green bag inside it and contains cash. He saw two suspects were inside the back of the truck. He then handed over the black bag with the green bag and cash in it to Divisional Crime Officer Manasa Talala at a place he was asked to bring them by Mr. Manasa Talala.
- 43. The last prosecution witness is Cpl Jona Toga, who is the investigation officer of this action. He stated in his evidence that the report of this robbery received to Nadi police station around 11 a.m. on 15th of August 2014. In the evening of 15th of August 2014, the two suspects including the accused together with the green bag with cash in it were handed over to him by the team lead by Divisional Crime Office Manasa Talala. He observed that both suspects were badly injured and could not walk, and talk due to the seriousness of those injuries.

- 44. Cpl Toga stated that he had to call the director of City Forex Fiji limited to bring the key of the padlock to open the green bag, which he did. He then opened the green bag. The complainant identified the bag and the cash in it. He further tendered the copies of the caution interview and the charging statement of the accused person.
- 45. At the conclusion of the prosecution case, the accused person was explained of his rights in his defence. The accused gave evidence on oaths and called no other witness for the defence.
- 46. The accused denied this allegation in his evidence. He stated that he came to Nadi in the evening of 14th of August 2014 to meet a female friend of him as she promised him to fix an employment at Shereton Hotel. He stayed with one of his friends namely Taito in Navaca Settlement in that night. On 15th of August 2014, around 10 a.m. he went to Nadi Bus stand to get a minivan to go back to Suva with his friend. His friend left him at the bus sand as he got into a minivan. He found another friend of him in the minivan, who was sitting on the front seat. He seated on the seat behind the driver. He stated that he did not carry any black bag.
- 47. The police came to search the van at Tagaqu village and asked him to get off together with another person, who was carrying a black bag. He stated that he was badly assaulted by the police at the scene and then taken to some other place together with other suspect. Both of them were brutally assaulted at that place. He denied that he took part of this crime.
- 48. I have summarised the evidence presented during the cause of this hearing. However, I might have missed some. It is not because they are not important. You have heard every items of evidence and reminded yourselves of all of

- them. What I did only to draw your attention to the main items of evidence and help you in reminding yourselves of the evidence.
- 49. According to the evidence presented by the prosecution, it appears that the prosecution case is founded on the principle of "recent possession". The principle of "recent possession" means that if someone is found in possession of property soon after it has been stolen, and he fails to give a credible or reasonable explanation of the manner in which he came by it, it is justified in inferring that he was either the thief or else a guilty receiver of that stolen property.
- 50. In view of the principle of recent possession as I explained above, it is the onus of the prosecution to prove beyond reasonable doubt that
 - a. The aggravated robbery as charged in the information has actually taken place, where cash of \$50,000 was stolen with a green bag,
 - b. The accused was found in possession of the said stolen green bag with cash of \$50,000 in it within a few hours after the commission of the said aggravate robbery
- 51. It is allowed to form a persuasive presumption that the accused has taken part in committing this crime of aggravated robbery if only the prosecution established the abovementioned two grounds beyond reasonable doubt. Then such presumption imposes on the accused person a burden of giving an explanation of his possession.

- 52. I now draw your attention to the definition of "possession" under the principle of recent possession. The prosecution is required to establish beyond reasonable doubt that the accused has some form of physical possession or control over this stolen property.
- 53. The burden of the accused to give an explanation of his possession is not higher as of the primary burden of the prosecution in this case. It is only required him to give an explanation which may reasonably true, even though it is not convinced that it is true.
- 54. In this instant case, you have seen that the prosecution presented the evidence of Sunil Prasad and Ranjeet Prasad and tendered the cash of \$50,000 with a green bag in order to establish that this alleged aggravate robbery took place at the car park of City Forex Fiji limited on 15th of August 2014. Mr. Prasad identified the green bag and the cash in it during his testimony.
- 55. The prosecution then presented evidence of Cpl Usaia, Cpl Semi, Cpl Maciu, A/IP Esira Bari and Senior Pastor Tevita Navuasese to establish that the accused was found in possession of those cash of \$50,000 with the green bag few hours after the commission of this alleged crime. He was found in possession of the stolen money and the bag while he was traveling in a minivan which was going to Suva from Nadi.
- 56. It appears from the evidence given by the accused person that he actually did not give an explanation of how this stolen property came into his possession. He actually denied the possession of it. He testified that he did not carry the black bag which contained the green bag in which \$ 50,000 was packed. He stated that the said bag was in the possession of the other person who arrested with him at the Tagaqu village.

- 57. The prosecution tendered the copy of the caution interview and the charging statement of the accused person in the form of documentary evidence. You are allowed to take into account the contents of the caution interview and the charging statement of the accused, if you believe and satisfy that he has given his statements in the caution interview and the charging statement voluntarily, free from any form of oppression and under fair and just circumstances.
- 58. You watched that all the witnesses gave evidence in court. It is your duty as judges of facts to consider the demeanour of the witnesses, how they react to being cross examined and re- examined, were they evasive, in order to decide the credibility of the witness and the evidence. Moreover, you must consider the witness had the opportunity to see, hear and or feel what the witness is talking in the evidence. You should then consider whether the evidence presented by the witness is probable or improbable considering the circumstances of the case. Apart from that you are required to consider the consistency of the witness, not only with his/her evidence, but also with other evidence presented in the case. It will assist you in assessing the evidence presented in the case and forming your decision to accept or refuse the evidence or witnesses or part of them.
- 59. Upon consideration of all evidence, if you are not satisfied that the prosecution has established beyond reasonable doubt the commission of this aggravated robbery, you can find the accused person is not guilty of this offence as charged in the information.
- 60. If you are satisfied that the prosecution has established beyond reasonable doubt the commission of this aggravated robbery, but not satisfied that the prosecution has established beyond reasonable doubt that the accused person

was found in possession of the stolen money of \$ 50,000 and the green bag few hours after the commission of this crime, you can find the accused person is not guilty of this offence as charged in the information.

- 61. If you are satisfied that the prosecution has established beyond reasonable doubt the commission of this aggravated robbery and also the accused person was found in possession of the stolen money of \$50,000 and the green bag few hours after the commission of this crime, but believe and satisfy that the explanation given by the accused that the bag with the money was not in his possession, but was in the possession of the other suspect may reasonably true, you can find the accused person is not guilty of this offence as charged in the information.
- 62. If you are satisfied that the prosecution has established beyond reasonable doubt the commission of this aggravated robbery and also the accused person was found in possession of the stolen money of \$ 50,000 and the green bag few hours after the commission of this crime, and also believe that the explanation given by the accused may not reasonably true, but still have a reasonable doubt of the explanation of the accused person, you can find the accused person is not guilty of this offence as charged in the information
- 63. If you are satisfied that the prosecution has established beyond reasonable doubt the commission of this aggravated robbery and the accused person was found in possession of the stolen money of \$ 50,000 and the green bag few hours after the commission of this crime, and also satisfied beyond reasonable doubt that the explanation of the accused person is not true, you can then find the accused person is guilty of this offence as charged in the information.

64. Madam and gentleman assessors, I now conclude my summing up. It is the time for you to retire and deliberate in order to form your individual opinions on the charge against the accused person. You will be asked individually for your opinion and will not require to give reasons for your opinion. When you have reached to your opinion, you may please inform the clerks, so that the court could reconvene.

Learned counsel of the prosecution and the accused, do you have any redirections to the assessors?



R. D. R. ThusharaRajasinghe

Judge

13th of April 2015

Solicitors

Office of the Director of Public Prosecutions

The Legal Aid Commission, Lautoka office,