

**IN THE HIGH COURT OF FIJI**  
**AT LABASA**  
**CRIMINAL JURISDICTION**

**Criminal Case No. HAC 08 of 2015**

**STATE**

**V**

**ETUATE DREDUADUA**

**Counsels:** Mr. L. Fotiofili for the State  
Accused in person

**Date of Application:** 25 and 26 May 2016

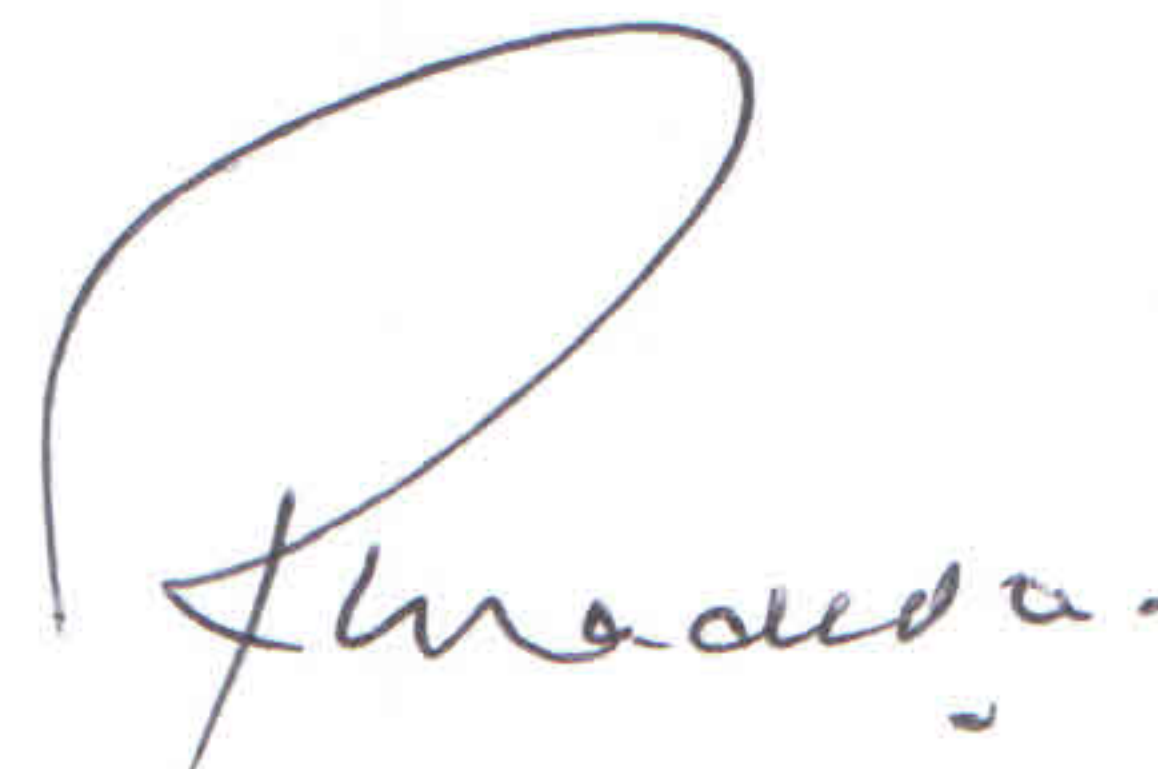
**Date of Ruling:** 26 May 2016

**RULING**  
**NO CASE TO ANSWER**

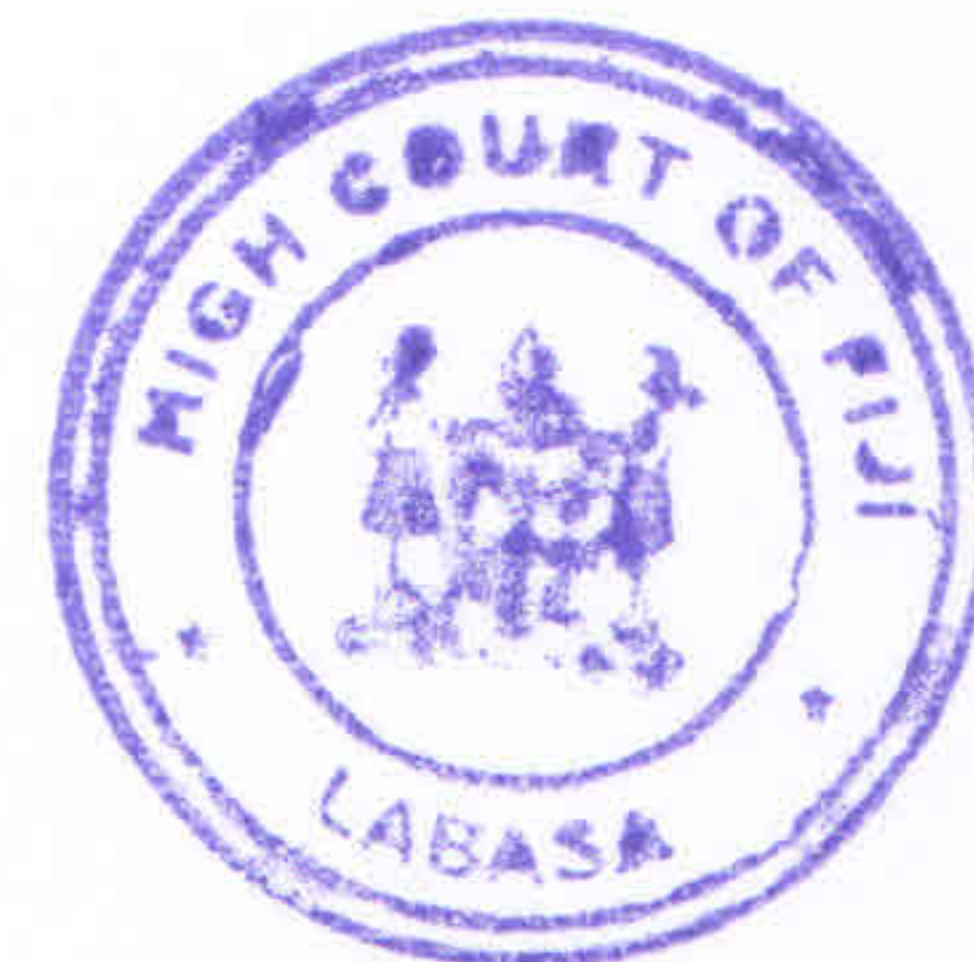
- [1] At the end of the Prosecution case, the unrepresented accused makes an application that there be no case to answer.
- [2] He files homemade submissions which detail the legal requirement for such an application and in which he relies on the relevant case of **Sisa Kalisoqo** Cr. App 52 of 1984.



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- [3] He submits that there is no evidence before the Court that the land belonged to him, which he says is an important element of the offence.
- [4] Furthermore, he submits that there was no production into evidence of the plants seized.
- [5] He further adds that the evidence was contradictory and unsatisfactory and cannot be relied on.
- [6] The offence of cultivation of illicit drugs is proved only by evidence of cultivation and ownership of the land being cultivated is irrelevant.
- [7] It is not essential that the drugs be produced in Court. Descriptions of the seizure and a chain of evidence through to the Chemist is enough evidence to found a prima facie case.
- [8] Although the accused was not present at the time of the raid, the evidence of his nephew who was staying in his house is sufficient to make a strong circumstantial case against the accused.
- [9] There is **some** evidence and therefore the application is dismissed.



**P. K. Madigan**  
**Judge**



At Labasa  
26 May 2016