

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

**Criminal Case No. HAC 04 of 2015**

**STATE**

**V**

**BESUN DEO**

**1<sup>st</sup> Accused**

**SHAREEN WATI RAJ**

**2<sup>nd</sup> Accused**

**Counsels: Mr. L. Fotofili for the State**  
**Mr. R. Vananalagi for the 1<sup>st</sup> Accused**  
**Mr. A. Paka (L.A.C.) for the 2<sup>nd</sup> Accused**

**Dates of Conviction : 2 September 2016**

**Date of Judgment : 2 September 2016**

**JUDGMENT**

[1] Both accused jointly faced the following charge:

***Statement of Offence***

**MURDER**: Contrary to Section 237 (a), (b) and (c) of the  
Crimes Decree No: 44 of 2009.



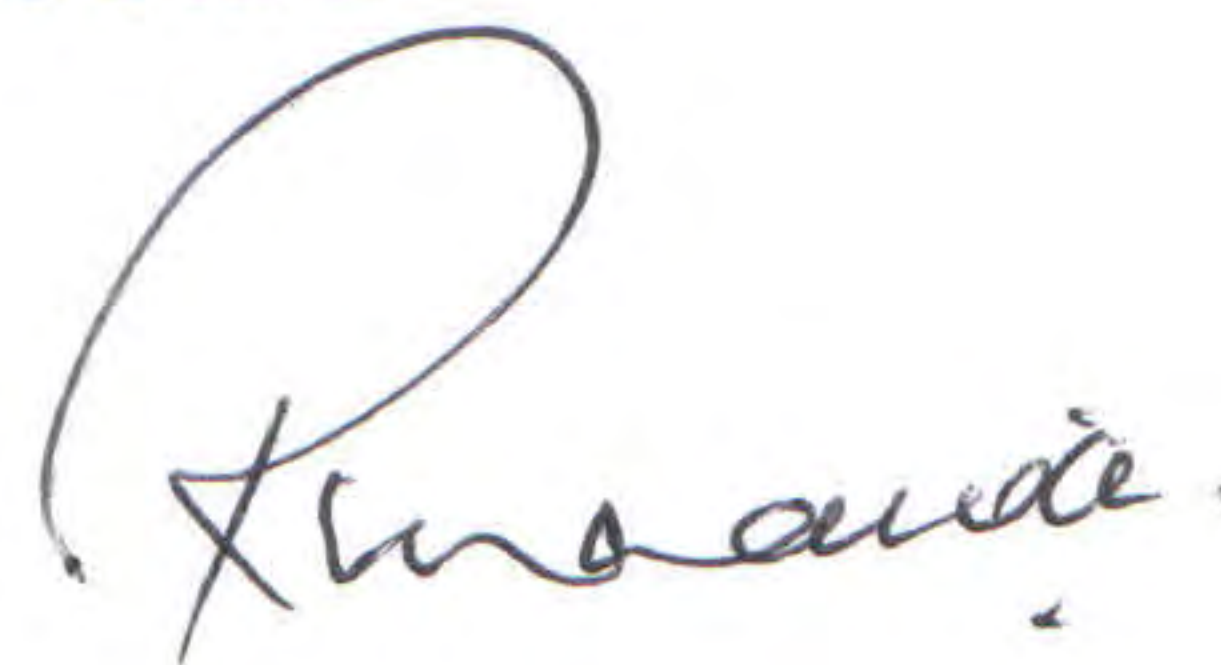
### ***Particulars of Offence***

**BESUN DEO** and **SHAREEN WATI RAJ** on the 13<sup>th</sup> day of January 2015 at Labasa in the Northern Division murdered **PARMA NAND**.

- [2] After trial three assessors returned with unanimous opinions of guilty in respect of each of the accused.
- [3] After taking time to reflect on the evidence and on directing itself on the summing up, the Court concurred with the assessors and made a finding of guilty against each accused and convicted each accordingly.
- [4] The evidence against each of the accused was overwhelming.
- [5] Apart from the clear and unshaken evidence of a witness to the murder (PW1) each of the accused had confessed to his/her role in the murder; confessions which were admitted in evidence after a voir dire and obviously accepted as voluntary and true by the three assessors.
- [6] The first accused ran the defence of alibi which had been undisclosed in accordance with the Criminal Procedure Rules and which flew in the face of his position at trial where it was accepted that he was at the scene of the Crime. The alibi was not believed.
- [7] The second accused too ran a defence of alibi and hers was disclosed. Unfortunately her evidence and the evidence of her alibi witness differed in material aspects and it was impossible to believe.



- [8] The first accused opposed the use of his confession by alleging police brutality but I did not believe his evidence as it was “over-egged” and there was no evidence of injury or complaint and there would have been had he been assaulted to the degree he claimed.
- [9] The second accused’s allegations of brutality were also over exaggerated and were not supported by any medical or other supporting evidence. Her evidence that the confessions in her interview were fabricated cannot be true given the circumstantial evidence corroborating her answers.
- [10] Even if the assessors had rejected the evidence of the interviews, the evidence of the eye-witness was consistent and was evidence which substantiated the confessions of both accused.
- [11] I have no doubt whatsoever that the State has discharged its burden in respect of both accused and I find them both guilty as charged. They are convicted accordingly.
- [12] That is the judgment of the Court.



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



At Labasa

2 September 2016