

IN THE HIGH COURT OF FIJI
AT LABASA
CRIMINAL JURISDICTION

Criminal Case No. HAC 01 of 2015

STATE

V

ADONI TUVUKI

Counsel: Ms. A. Vavadakua for the State
Mr. A. Paka with Ms. S. Devi (L.A.C.) for the Accused

Date of Summing Up : 22 September 2016
Date of Judgment : 22 September 2016

JUDGMENT

[1] The accused was tried in this Court on the following three counts:

COUNT 1

(Representative Count)

Statement of Offence

RAPE: Contrary to section 207 (1) and (2) (a) of the Crimes Decree 2009.

PARTICULARS OF OFFENCE

ADONI TUVUKI between the 18th day of November, 2013 and the 24th day of November, 2013 at Duavata Primary School in Labasa in the Northern Division had carnal knowledge with **VILIMAINA DINACIKA** without her consent.

COUNT 2

Statement of Offence

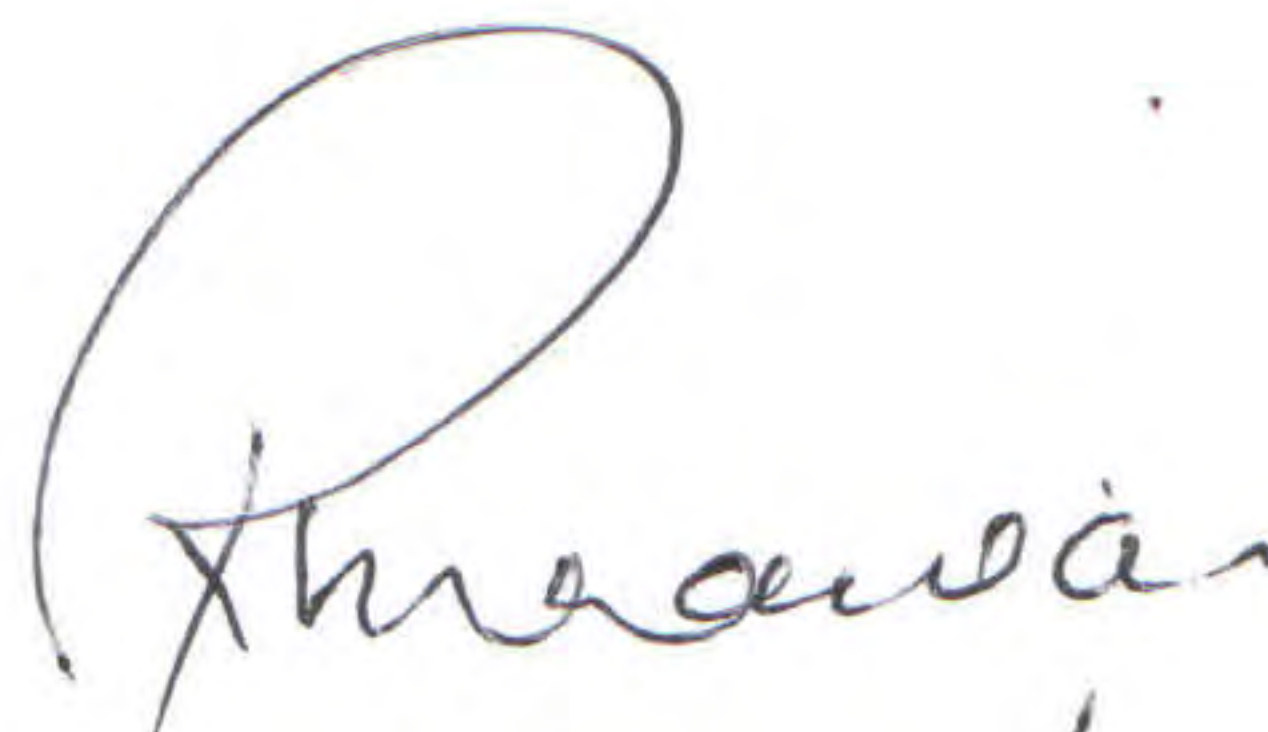
INDECENT ASSAULT: Contrary to section 212 (1) of the Crimes Decree 2009.

PARTICULARS OF OFFENCE

ADONI TUVUKI on the 18th day of November, 2013 at Duavata Primary School in Labasa in the Northern Division unlawfully and indecently assaulted **MELANIA TINAIWAI** by fondling her breast and kissing her cheek.

- [2] The three assessors returned with unanimous opinions of guilty on each count. The Court after reviewing the evidence and in accordance with the summing up agrees with the assessors and finds the accused guilty of each count.
- [3] The prosecution called three teenage girls to give evidence of the sexual abuse that they had each and severally suffered at the hands of the accused. These girls were students boarding at their school in Bua at the time and the accused and his wife were the cooks.
- [4] The first girl who was 13 at the time told of being pulled into the accused's room and raped.

- [5] The second girl, also 13 at the time told of being pulled into the room, kissed and having her breasts fondled.
- [6] The third girl, only 11, told of being forced onto a bed, kissed and having her breasts fondled.
- [7] Each of the girls and especially the feisty third girl gave confident and consistent evidence which was unshaken in cross examination.
- [8] The accused gave evidence that he was a very loving person and that it was his manner to hug and kiss girls. He was related to most of the students at the school and he wanted them to regard him as a father and he treated them as such.
- [9] He called two character witness to give evidence in his defence but they did not add anything of substance to his case.
- [10] After hearing all the evidence the Court believed the three prosecution witnesses and nothing that the accused said caused the Court to doubt the veracity of the young girls' evidence.
- [11] I find that the State has proved the charges beyond reasonable doubt and I convict the accused on all three counts accordingly.
- [12] That is the Judgment of the Court.



P. K. Madigan
Judge



At Labasa

22 September 2016