

IN THE HIGH COURT OF FIJI AT SUVA

CASE NO: HAC. 316 of 2011

[CRIMINAL JURISDICTION]

STATE

V

RAVINDRA DEO

Counsel : Ms. S. Sharma and Mr. S. Shah for State
Mr. J. Reddy and Mr. Vulakouvaki for Accused

Hearing on : 31st January - 01st February 2018

Summing up on : 02nd February 2018

(The name of the complainant is suppressed. The complainant will be referred to as "GD")

JUDGMENT

1. The accused was charged with two counts. At the conclusion of the prosecution case this court recorded a finding of not guilty on the second count in terms of section 231(1) of the Criminal Procedure Act 2009. The trial continued on the following count;

FIRST COUNT

Statement of Offence


SEXUAL ASSAULT: contrary to section 210(1)(a) of the Crimes Act 2009.

Particulars of Offence

RAVINDRA DEO on the 26th day of September 2011 at Kanavi Street, Samabula in the Central Division, unlawfully and indecently assaulted Geetanjali Deo.

2. The assessors have returned with the unanimous opinion that the accused is not guilty of the above offence.
3. I direct myself in accordance with the summing up delivered to the assessors this morning and the evidence adduced during the trial.
4. The prosecution called the complainant. The accused gave evidence and called one witness.
5. It was obvious that the complainant was not a credible witness. She was uncooperative and evasive. Her evidence was riddled with inconsistencies and improbabilities.
6. It was noted that the account given by the second defence witness who was the complainant's uncle is consistent with the accused's evidence and contradicts the complainant's evidence as to what happened on the day after the alleged incident. The evidence of the second defence witness was not challenged by the prosecution.
7. Therefore, I find that the complainant's evidence does not establish beyond reasonable doubt that the accused sexually assaulted her.
8. I agree with the unanimous opinion of the assessors that the accused is not guilty of the first count.
9. The accused is acquitted of both counts.




Vinsent S. Perera
JUDGE

Solicitors for the State : Office of the Director of Public Prosecutions, Suva.
Solicitors for the Accused : Jiten Reddy Lawyers, Nakasi.