

IN THE HIGH COURT OF FIJI AT SUVA

CASE NO: HAC. 85 of 2017

[CRIMINAL JURISDICTION]

STATE

V

TURI LESUBULA

Counsel : Ms. U. Tamanikaiyaroi and Mr. E. Samisoni for the State
Ms. L. Ratidara for the Accused

Hearing on : 01 - 05 October 2018

Summing up on : 05 October 2018

Judgment on : 05 October 2018

JUDGMENT

1. The accused is charged with the following offences;

COUNT 1

Statement of Offence

Aggravated Robbery: contrary to section 311 (1) (a) of the Crimes Decree 2009.

Particulars of Offence

TURI LESUBULA WITH OTHERS on the 26th day of February 2017, at Samabula in the Central Division, robbed Ameendra Kumar Mudliar of 1 x black Samsung mobile phone valued at approximately \$975.00 and 1 x white Vido mobile phone valued at \$250.00, all to the total approximate value of \$1,225.00, the said property of Ameendra Kumar Mudliar.

COUNT 2

Statement of Offence

Aggravated Robbery: contrary to section 311 (1) (a) of the Crimes Decree 2009.

Particulars of Offence

TURI LESUBULA WITH OTHERS on the 26th day of February 2017, at Samabula in the Central Division, robbed Tarita Mudliar of 1 x iPhone 6 plus mobile phone valued at \$1,700.00, all to the total value of \$1,700.00, the said property of Tarita Mudliar.

2. The assessors have returned with the unanimous opinion that the accused is guilty of each count stated above.
3. I direct myself in accordance with the summing up delivered to the assessors this afternoon and the evidence adduced during the trial.
4. The prosecution led the evidence of five witness and the accused opted not to adduce evidence. Only the first prosecution witness who was the interviewing officer was subjected to cross-examination. The only incriminating evidence against the accused was the admissions in his cautioned interview.
5. I accept the evidence of the investigating officer that the accused gave all the answers recorded in PE 1 and I find that the accused had given those answers voluntarily.
6. The defence did not challenge the fact that the offence of aggravated robbery was committed as alleged on each charge, but their position was that the accused did not commit those offences.

7. Given the admissions in the cautioned interview which I have found to be true, I am satisfied beyond reasonable doubt that the accused aided and abetted the commission of the offences of aggravated robbery by the four individuals who travelled in the car he drove. I am satisfied beyond reasonable doubt that the accused intended that his conduct would aid or abet the commission of an offence in the nature of aggravated robbery.

8. For the reasons given above, I agree with the unanimous opinion of the assessors and I find the accused guilty on each count as charged.

9. I hereby convict the accused accordingly.



A handwritten signature in blue ink, appearing to read "Vinsent S. Perera".

Vinsent S. Perera

JUDGE

Solicitors;

Office of the Director of Public Prosecutions for the State
Legal Aid Commission for the Accused