

**IN THE HIGH COURT OF FIJI**

**AT LABASA**

**CRIMINAL JURISDICTION**

**CRIMINAL CASE NO: HAC 037 OF 2019LAB**

**STATE**

**V**

**SAMUELA VOSADRUGU**

**Counsels : Ms. D. Rao for State  
Ms. S. Devi and Ms. M. Besetimoala for Accused**

**Hearings : 18, 19, 20 December, 2019**

**Summing Up : 21 December, 2019**

**Judgment : 21 December, 2019**

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**JUDGMENT**

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1. The three assessors had returned with a unanimous opinion finding the accused guilty as charged.
2. Obviously, the assessors had accepted the prosecution's version of events. This meant they had found the prosecution witnesses' evidence to be credible. It also meant, they had rejected the accused's sworn denials.
3. I had reviewed the evidence called in the trial and directed myself in accordance with the summing up I gave the assessors today.

4. Assessors are there to assist the trial judge come to a decision on whether or not the accused was guilty as charged. They represent the public and their views must be respected.
5. Like the assessors, I find the prosecution witnesses' evidence credible and I accept them. I accept PW1 and PW3's evidence that they saw the accused, with PW2, go to the church to fetch water. I accept the doctor's evidence that the girl was injured in the vagina.
6. I reject the accused's alibi evidence. I reject his witnesses' evidence. I find they were not credible.
7. In my view, I accept the circumstantial evidence provided by the prosecution, as outlined in my summing up. I find, on the totality of the evidence that the accused penetrated the child's complainant's vagina slightly at the material time.
8. As a result, I find the accused guilty as charged and I convict him accordingly.
9. Assessors thanked and released.



  
Salesi Temo  
JUDGE

**Solicitor for the State** : **Office of the Director of Public Prosecution, Labasa**  
**Solicitor for the Accused** : **Office of the Legal Aid commission, Labasa**