

IN THE HIGH COURT OF FIJI

AT SUVA

CRIMINAL JURISDICTION

CRIMINAL CASE NO. HAC 255 OF 2017S

STATE

vs

NEMANI RAVIA

Counsels : Mr. I. Rakaria for State
Ms. S. Prakash and Ms. N. Pratap for Accused

Hearings : 23, 24, 25 and 26 April, 2019.

Summing Up : 29 April, 2019.

Judgment : 29 April, 2019.

JUDGMENT

1. The three assessors had returned with a unanimous opinion finding the accused guilty as charged.
2. It appears that the three assessors had accepted the prosecution's version of events. It also showed that the three assessors had accepted the prosecution's witnesses' evidence. It also meant, the three assessors had rejected the accused's sworn denials.

3. I have reviewed the evidence called in the trial and I have directed myself in accordance with the summing up I delivered to the assessors today.
4. The three assessors' opinion was not perverse. It was open to them to reach such conclusion on the evidence.
5. Assessors are there to assist the trial judge come to a decision on whether or not the accused was guilty as charged. The three assessor's opinions represent the public's view and their opinion must be respected.
6. On my analysis of the case, I agree entirely with the three assessors' opinion. The police had done a proper investigation. They had gathered good intelligence from the public. Their raid, uprooting of the marijuana plants, taking it to Korovou Police Station and having it analyzed by their forensic team, was clock work in a day of operation. The police team must be commended in their conduct in this case. It was well organized, fast and competent, within one day.
7. I accept the evidence of PW1, PW2 and PW3 that the accused admitted to them that the marijuana farm and plants were his. I find their evidence credible and accept the same.
8. I reject the accused's sworn denial. It was not credible to me. He admitted cultivating one marijuana plant and in my view, that was sufficient qualification to cultivate 87 marijuana plants/materials in this case.
9. Given the above, I entirely agree with the three assessors' unanimous opinion and I find the accused guilty as charged. I convict him accordingly as charged.

10. Assessors thanked and released.



Salesi Temo
JUDGE

Solicitor for the State
Solicitor for the Accused

: Office of the Director of Public Prosecution, Suva.
: Legal Aid Commission, Suva.