IN THE HIGH COURT OF FIJI
AT SUVA
[CRIMINAL JURISDICTION]

Criminal Case No. HAC 370 of 2018

BETWEEN	:	**STATE**
AND	:	**JAI RAJ NAICKER**
Counsel	:	**Mr Y Prasad and Ms S Swastika for the State** **Ms S Prakash for the Accused**
Dates of Hearing	:	**1 - 2 May 2019**
Date of Judgment	:	**6 May 2019**

JUDGMENT

[1] After deliberating for nearly 2 hours the assessors have unanimously found the Accused guilty of all three charges against him. I direct myself in accordance with my summing up.

[2] The prosecution case is substantially depended upon the veracity of the complainant's evidence. She struck me as a credible and reliable witness. On the charge of penile rape (count one), I believe the account of the complainant that the Accused had sexual intercourse with her. Her age at the material time is not in dispute. She was under the age of 13 years.

[3] On the representative charge of sexual assault (count two), I believe the account of the complainant that on at least one occasion the Accused fondled or groped her breasts or private parts.

[4] On the charge of digital rape, I believe the account of the complainant that the Accused penetrated her vagina with his finger and without her consent. I feel sure that the Accused knew the complainant did not consent to the penetration of her vagina.

[5] I feel sure of the guilt of the Accused on all three charges and I convict him accordingly.

[6] That is the judgment of the Court.

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Hon. Mr Justice Daniel Goundar

Solicitors:

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