

IN THE HIGH COURT OF FIJI

AT SUVA

[CRIMINAL JURISDICTION]

CRIMINAL CASE NO. HAC 051 OF 2018

BETWEEN : STATE

AND : MARVIN RAY KETENILAGI

Counsel : Ms S Lodhia for the State
Mr D Toganivalu for the Accused

Date of Hearing : 17 – 19 February 2020

Date of Summing Up: 21 February 2020

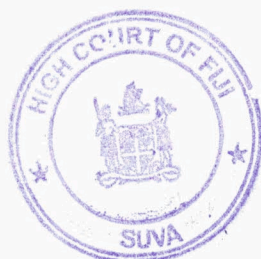
Date Judgment : 21 February 2020

JUDGMENT

[1] The majority opinion of the assessors is that the Accused is guilty of manslaughter as charged. One assessor has found the Accused guilty of the alternative offence of assault occasioning actual bodily harm. I direct myself in accordance with my summing up.

[2] I am satisfied beyond reasonable doubt that the Accused voluntarily engaged in acts of physical violence on the victim who was suffering from a heart disease and that it was the conduct of the Accused that hastened or accelerated the death of the victim and that the Accused realized the possibility of serious harm to the victim when he assaulted him.

[3] I find the Accused guilty of manslaughter and convict him accordingly.



A handwritten signature in blue ink, appearing to be "D. Goundar", is written above a horizontal dotted line.

Hon. Mr Justice Daniel Goundar

Solicitors: Office of the Director of Public Prosecutions for the State
Toganivalu & Valenitabua for the Accused