

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

CRIMINAL CASE NO. HAC 32 of 2017

BETWEEN : **STATE**

AND : **RITESH MAHARAJ SHARMA**

Counsel : *Ms. P. Lata for the State*
Mr. M. Anthony for the Accused

Hearing on : *17th – 20th of August 2020*
Summing up on : *26th of August 2020*

SUMMING UP

Ladies and gentleman assessors;

1. It is now my duty to sum up the case to you. I will now direct you on the law that applies in this case. You must accept my directions on law and apply those directions when you evaluate the evidence in this case in order to determine whether the accused is guilty or not guilty. You should ignore any opinion of mine on the facts of this case unless it coincides with your own reasoning. You are the Judges of facts.
2. As the representatives of the society, your role is to assist this legal system to serve justice. In doing so, you are guided by two equally important principals of prudence. To wit;
 - i) If a person has committed an offence, he should be meted out with an adequate punishment.

In other words, if you are sure that the accused has committed the alleged offence, then it is your duty to find him guilty. If an offender escapes scot free, he'll be ridiculing this legal system. You have a duty to not to let that happen.

ii) An innocent person should never be convicted.

There is a saying that it is better to let 100 offenders go free than to convict one innocent person. That is, unless you are very sure that the accused have committed the alleged offence, you should not find them guilty.

If any of the said principles are violated, it would amount to a failure of the system, thus you have failed in your duty to the society. Having reminded you of your duty let me proceed.

3. Evidence in this case is what the witnesses said from the witness box inside this court room and the admissions made. As I have stated you in my opening address, your opinion should be based only on the evidence presented inside this court room. If you have heard, read or otherwise come to know anything about this case outside this court room, you must disregard that information.
4. A few things you heard inside this court room are not evidence. This summing up is not evidence. The arguments, questions and comments by the counsel for the prosecution or for the defense are not evidence. A suggestion made by a counsel during the examination of a witness is not evidence unless the witness accepted that suggestion. The arguments and comments made by counsel in their addresses are not evidence. You may take into account those questions, suggestions, arguments and comments when you evaluate the evidence only to the extent you would consider them appropriate.
5. You must not let any external factor influence your judgment. You must not speculate about what evidence there might have been. You must approach the evidence with detachment and objectivity and should not be guided by emotion. You should put aside all feelings of sympathy for or prejudice against, the accused or anyone else. Your emotions should not influence your decision.
6. You and you alone must decide what evidence you accept and what evidence you do not accept. You have seen the witnesses give evidence before this court, their behavior when they testified and how they responded during cross-examination. Applying your day to day life experience and your common sense as representatives of the society, consider the evidence of each witness and decide

how much of it you believe. You may believe all, a part or none of any witness' evidence.

7. When you assess the testimony of a witness, you should bear in mind that a witness may find this court environment stressful and distracting. Witnesses have the same weaknesses you and I may have with regard to remembering facts and also the difficulties in relating those facts they remember in this environment. Sometimes a witness may have other concerns when giving evidence. A witness may be worried that the evidence would incriminate him/her or reveal a safely guarded secret. Or else he/she might honestly forget things or make mistakes regarding what he/she remembers.
8. In assessing the credibility of a particular witness, it may be relevant to consider whether there are inconsistencies in his/her evidence. That is, whether the witness has not maintained the same position and has given different versions with regard to the same issue. You may also find inconsistencies between the evidence given by different witnesses. This is how you should deal with inconsistencies. You should first decide whether that inconsistency is significant. That is, whether that inconsistency is fundamental to the issue you are considering. If it is, then you should consider whether there is any acceptable explanation for it. If there is an acceptable explanation for the inconsistency, you may conclude that the underlying reliability of the account is unaffected. You may perhaps think it obvious that the passage of time will affect the accuracy of memory. Memory is fallible and you should not expect a witness to have a photographic memory or every detail to be the same from one account to the next.
9. However, if there is no acceptable explanation for the inconsistency which you consider significant, it may lead you to question the reliability of the evidence given by the witness in question. To what extent such inconsistencies in the evidence given by a witness influence your judgment on the reliability of the account given by the witness is a matter for you to decide.
10. Therefore, if there is an inconsistency that is significant, it might lead you to conclude that the witness is generally not to be relied upon; or, that only a part of the witness' evidence is inaccurate; or you may accept the reason the witness provided for the inconsistency and consider him to be reliable as a witness.
11. You may also consider the ability and the opportunity a witness had, to see, hear or perceive in any other way what the witness said in evidence. You may ask

yourself whether the evidence of a witness seem reliable when compared with other evidence you accept. These are only examples. It is up to you, how you assess the evidence and what weight you give to a witness' testimony.

12. Based on the evidence you decide to accept, you may decide that certain facts are proved. You may also draw inferences based on those facts you consider as directly proved. You should decide what happened in this case, taking into account those proved facts and reasonable inferences. However, when you draw an inference you should bear in mind that, that inference is the only reasonable inference to draw from the proved facts. If there are two or more reasonable inferences to draw, one or more against the accused, as well as one or more in his favor, based on the same set of proved facts, then you should draw the most favorable inference to the accused.
13. As a matter of law you should remember that the burden of proof always lies on the prosecution. An accused are presumed to be innocent until proven guilty. This means that it is the prosecution who should prove that the accused are guilty and the accused are not required to prove that they are innocent. The prosecution should prove the guilt of the accused beyond reasonable doubt in order for you to find them guilty. That is, you must be sure of the accused person's guilt.
14. In order to prove that the accused are guilty, the prosecution should prove all the elements of the offence against the accused beyond reasonable doubt. If you have a reasonable doubt on whether the prosecution has proved a particular element of the offence against the accused, then you must give the benefit of that doubt to the accused and find the accused not guilty. A reasonable doubt is not a mere imaginary doubt but a doubt based on reason. I will explain you the elements of the offence in detail in a short while.
15. You are not required to decide every point the learned counsel in this case have raised. You should only deal with the offence the accused are charged with and matters that will enable you to decide whether or not the charge is proved against the accused.
16. You will not be asked to give reasons for your opinion. In forming your opinion, it is always desirable that you reach a unanimous opinion. But it is not mandatory.
17. Let us look at the Information. The Director of Public Prosecutions has charged the accused of the following offence;

Statement of Offence

Attempted Murder: Contrary to section 44 (1) and 237 of the Crimes Act of 2009.

Particulars of Offence

Ritesh Maharaj Sharma on the 22nd of January, 2017 at Nadi in the Western Division, attempted to murder **Ashok Kumar**.

18. In regards to identifying what is 'an attempt', it would be important to understand the section 44 of the Crimes Act. The section 44 of the Crimes Act states;
44. — (1) A person who attempts to commit an offence is guilty of the offence of attempting to commit that offence and is punishable as if the offence attempted had been committed.
- (2) for the person to be guilty, the person's conduct must be more than merely preparatory to the commission of the offence, and the question whether conduct is more than merely preparatory to the commission of the offence is one of fact.
- (3) Subject to sub-section (7), for the offence of attempting to commit an offence, intention and knowledge are fault elements in relation to each physical element of the offence attempted
- (4) A person may be found guilty even if —
- (a) committing the offence attempted is impossible; or
- (b) the person who actually committed the offence attempted is found not guilty.
- (5) A person who is found guilty of attempting to commit an offence cannot be subsequently charged with the completed offence.
- (6) Any defences, procedures, limitations or qualifying provisions that apply to an offence apply also to the offence of attempting to commit that offence.
- (7) Any special liability provisions that apply to an offence apply also to the offence of attempting to commit that offence.....
19. Accordingly, in this case, to prove the offence of Attempted Murder the prosecution must prove the following elements beyond a reasonable doubt.
- a) The accused;
- b) Engaged in a conduct, which was more than merely preparatory; and
- c) Accused intended to cause the death of Ashok Kumar, **or**
Accused knew that his conduct would cause the death of Ashok Kumar.

20. The first element of the offence is concerned with the identity of the person who is alleged to have committed the offence. In this case the identity is not challenged. In the additional admitted facts filed before the commencement of the trial the accused has admitted the fact that he has stabbed Mr. Ashok Kumar.
21. In the second element, to engage in a conduct is to do an act which is a product of the will of the accused. The prosecution alleges that in the morning of 22nd of January 2017, the accused stabbed Ashok Kumar without any reason. The act was committed by the accused on his free will and there is no denial of that fact. Furthermore, stabbing the person goes far beyond the mere preparation.
22. With regard to the third element, the prosecution should prove beyond reasonable doubt either,
 - (a) the accused intended to cause the death of Ashok Kumar, or
 - (b) that the accused knew that his act could cause the death of Ashok Kumar.

The prosecution should prove only one of the two limbs of this third element. These two alternative elements require some further explanation.

23. **The accused intended to cause the death of Ashok Kumar**

This deals with the state of mind of the accused at the time of the alleged act. It is not possible to have direct evidence regarding a person's state of mind as no witness can look into the accused's mind and describe what it was at the time of the alleged incident. However, you can deduce the state of mind of an accused from the facts and circumstances you would consider as proved.
24. **That the accused knew that his act could cause the death of Ashok Kumar**

Normally a person is supposed to have known the consequences of his acts. When the prosecution concedes that the accused was not a normal person, they have an additional burden to prove that though he is not normal he knew or had the capacity to know, the consequences of his acts.
25. Prosecution should prove, only one of the above. If you have any reasonable doubt whether the prosecution has proved at least one of the above, you should give the benefit of the said doubt to the accused and find him not guilty.
26. The Accused relies on the defense of Mental Impairment. This should only be considered in case you are satisfied that the prosecution has proved their case

beyond reasonable doubt. Then you should analyze the evidence presented and determine whether the Accused has proved the defense of Mental Impairment.

27. Section 28 of the Crimes Act of 2009 deals with the defense of Mental Impairment.

28. — (1) *A person is not criminally responsible for an offence if, at the time of carrying out the conduct constituting the offence, the person was suffering from a mental impairment that had the effect that*

—
(a) *the person did not know the nature and quality of the conduct; or*

(b) *the person did not know that the conduct was wrong (that is, the person could not reason with a moderate degree of sense and composure about whether the conduct, as perceived by reasonable people, was wrong); or*

(c) *the person was unable to control the conduct.*

28. In proving a defense the standard of proof required by law is the balance of probability, in other words 'more likely than not'. If you are of the view that the defense has proved the alleged mental impairment of the accused at the time of the alleged offending, you should find the accused not guilty of Attempted Murder. If you are of the view that the accused has failed to prove the said defense of Mental Impairment, but it creates a reasonable doubt in the prosecution case, again you should find the accused not guilty.

29. If you find the accused not guilty for attempted murder other than on the basis of the Accused proving the defense of Mental Impairment to the required standard, then you should consider the lesser offence of 'Assault Causing Actual Bodily Harm'.

30. The Offense of "Assault causing actual bodily harm" is set out in section 275 of the Crimes Act of 2009. It states;

275. *A person commits a summary offence if he or she commits an assault occasioning actual bodily harm.*

31. The essential elements that the prosecution should prove in proof of the offense of Assault Causing Actual Bodily Harm in this case are;

i) The Accused;

ii) Assaulted Ashok Kumar;

iii) As a result of that assault Ashok Kumar received bodily harm.

32. The first element is that the prosecution should prove the accused is the one who did the alleged act and no one else. You should take into consideration the directions given by me before in analyzing the first element for the offense of attempted murder.
33. In compliance of the second element, the complainant should have been assaulted. Using a certain amount of force on a person with intent to commit some harm could be considered as an assault under a given circumstances.
34. The third element is that as a result of that assault Ashok Kumar needs to have received bodily harm. Here you will have to see whether the injuries the complainant received were a natural result of what the accused did, in the sense that it was something that he could reasonably have foreseen as the consequence of what he was doing.
35. In consideration of the lesser count if you consider any of the above elements were not proved beyond a reasonable doubt by the prosecution, you should find the accused not guilty of the lesser count too.
36. The following were recorded as admitted facts. They would not require any further proof. You must consider them as correct and accurate.
 - i) The accused, Mr. Ritesh Maharaj Sharma resides at Namosau, Ba. He is about 40 years old.
 - ii) The accused and the complainant, Mr. Ashok Kumar were business partners for about 10 years. On some occasions the accused stayed with the complainant in Nadi.
 - iii) As for the Court ruling, the medical report dated 19/02/2016 from Ba Health Center is admitted.
 - iv) The Fiji Police Medical Form of Mr. Ritesh Maharaj Sharma dated 23/01/2017 is admitted.
 - v) The psychiatric evaluation report of Mr. Ritesh Maharaj Sharma from St. Giles Hospital dated 20/06/2019 is admitted.

- vi) The accused Mr. Ritesh Maharaj Sharma admits stabbing the complainant Mr. Ashok Kumar on the 22nd of January, 2017. The only thing in dispute is the number of times he stabbed the complainant.

Summary of evidence

37. The 1st witness for the prosecution or the PW1 was Mr. Ashok Kumar. He states that;
- i) He is a small clothes businessman and resides in Navo, Nadi with his two granddaughters, Ayesha Raj and Avisha Raj.
 - ii) He is also known by the name of Arun Kumar, and many of his friends know him by that name.
 - iii) He has known the accused, Mr. Ritesh Maharaj Sharma, since they have met in a boat more than 10 years ago. They used to meet often as the accused too was a businessman. The accused has visited his home more than 50 times and mostly when his wife was alive. The accused was more like a family friend to him.
 - iv) By the 22nd of January, he was living in the Sangam Road, in Nadi town. When he was at home with his granddaughters, the accused has come to his home. He has gone to Ba with the accused and one Mr. Anal Chetty to sell some gallons. He confirms that he went to Ba on Saturday. It should be noted that the alleged date of the offence is 22nd of January 2017 and it was a Saturday. Therefore, the previous day described by the witness has to be Friday, the 21st of January. It should be noted that this witness is inaccurate of the day factor.
 - v) The witness goes on to describe the Saturday evening (but it has to be the Friday evening) when returning home, they have bought 6 bottles of beer and a chicken and having drunk and eaten Anal has left for his home. When Anal left, they have had dinner and slept as they had to go to Nausori on the following morning, for Ritesh (the accused) to settle some accounts to one of his customers.
 - vi) On Sunday morning (it has to be Saturday morning), when he was preparing breakfast for his granddaughters, Ritesh was there behind him and he has prepared tea and given to Ritesh to go and have it. Then Ritesh has picked the kitchen knife which was there on the table and kept it in his pocket.
 - vii) While he was continuing with the preparation of breakfast and repeated the accused to go to the verandah and have his tea, the accused all of a sudden took out the knife, held him by the neck and stabbed him 4 times

in the stomach. The witness identifies the knife that was used by the accused to stab him and marks and produces it as PE1.

- viii) Then he has shouted and one of his granddaughters has come there and hit Ritesh on the shoulder. The witness has held one of Ritesh's hands (not the hand he held the knife with) and Ritesh has dropped the knife and walked out of the kitchen door which was open. He has sat on the floor as he was bleeding and after a while his granddaughters have called Anal and taken him to the hospital.
- ix) The witness states that he is not aware of any reason for Ritesh to stab him and there was no argument between them and Ritesh did not say anything during the stabbing. The witness further states that he is unaware of the Ritesh's intention in stabbing him. The witness identifies the accused as Ritesh, whom referred to by him.
- x) This incident has happened at around 6.30- 7.00am. Anal and his granddaughter Avisha took him to the hospital.

38. In answering the cross-examination posed on behalf of the accused, the witness states that;

- i) The witness acknowledges that the friendship between him and Ritesh runs over 10 years and Ritesh has come to his house on more than 50 times. His deceased wife used to like Ritesh a lot and called him a brother. He always had a harmonious and happy relationship and a friendship. They have never had a quarrel or a dispute.
- ii) He has not given a statement to the police at the time of the incident as he was hospitalized then. Though the police told from time to time that they will come to take his statement they never came and ultimately, he on his own went to the police station and gave a statement. It should be noted that the alleged incident has happened in January 2017 and this witness has given his statement to the police regarding the alleged incident on the 20th of July 2020.
- iii) The witness denies giving instructions to a legal firm to write to the DPP to withdraw this matter. When shown the said request by a legal firm and confronted the witness denies that he instructed them.
- iv) The knife PE1 belongs to him and it was taken from his kitchen. He did neither see the accused taking the knife nor putting it in his pocket. The witness states that the accused may have taken it from his kitchen in the previous night. It should be noted that this is clearly inconsistent with the evidence in chief given by the witness, where the witness stated that he saw the accused taking the knife and putting it into his pocket at the time he was preparing the breakfast.

- v) The witness further states that when his granddaughter told Ritesh to not to assault her grandfather, he just dropped the knife and walked out. He was aware of Ritesh's mental illness and that he used to take tablets and injections. The witness is also aware that Ritesh did not take his tablets in the previous night. From time to time Ritesh used to get sick and when tablets and injection is taken he has been all right. Ritesh's sickness is about his mental health and when he takes the tablet, he gets well again.
- vi) He had a cut injury in his hand and he has not shown that to the doctor as it was not serious although it was bleeding. The witness states that injury to his hand occurred while he was struggling with Ritesh in defense. He re-affirms that there was no argument or any dispute before the incident with Ritesh.
- vii) He states that in his view the injuries were not life threatening but his whole body was operated due to it and when very cold he still feels pain and other than that there were no permanent disabilities.

39. In answering the re-examination by the learned prosecuting counsel, the witness states that;

- i) He was aware of Ritesh's mental illness as he has mentioned it to him before. He has never noticed anything unusual about Ritesh at any time he was there at the witnesses' home. Even the previous day they have worked together and Ritesh was normal and did not act unusual.
- ii) The witness denies instructing a legal firm to withdraw this matter. He acknowledges giving a blank sheet signed to a friend of Ritesh while Ritesh was in remand.
- iii) Even after the incident he has met the accused 3-4 times and they have talked, but Ritesh has not come to their house thereafter.

40. The 2nd witness was the Detective Constable 5075, Fabiano Koiroko. His evidence was that;

- i) He is currently based at Nadi police Station and has 6 years of service. By the 22nd of January 2017, he was there and remembers receiving a report of stabbing at the Sangam Road, Nadi. He has gone with Acting Cpl. Vishal to attend to it. He has visited the scene at 11.05am on the 22nd of January 2017.
- ii) At the scene he has met Ms. Ayesha Raj, a granddaughter of the alleged victim Mr. Ashok Kumar. She has led him into the house and showed scene of the crime to him. There were blood stains in the living room and the kitchen. By the side of the kitchen door he has seen a blood stained knife and having uplifted it securely, he has produced at the station. The

granddaughter of Mr. Ashok Kumar has described it as the weapon used for the crime. He identifies the PE1 as the knife uplifted by him on that day.

41. The PW3 was Dr. Priyant Chandra. His evidence was that;
- i) He is a doctor attached to the ministry of Health and was working at the Nadi hospital in 2017.
 - ii) He vaguely remembers a patient being admitted to Nadi hospital on 22nd of January 2017, with stab injuries. That morning he was working in the Emergency Department and the patient was brought to it then.
 - iii) He recalls completing a police medical examination form for the patient and identifies and produces the said Medical examination form marked PE2.
 - iv) There were 3 incision wounds on the patient and found the injury at the right lower abdomen to be the deepest. The depth of it was not measured but it was deeper than 2-3cm. The patient was referred to an ultra sound scan and revealed that there is blood in the abdomen. Accordingly he was referred to a surgical department for further assessment and treatments.
 - v) Having free fluid in the abdomen could itself be dangerous to the function of the other organs. The patient has undergone Laparotomy, a major surgery. The received injuries of the patient were life threatening.
42. In answering the cross examination posed on behalf of the accused, the witness states that;
- i) The other two injuries were lacerations and superficial. By the time the patient came into the hospital, he was alert and responsive. After all the tests, it was confirmed that all his organs were intact and damage free.
 - ii) In the said contention, the injuries were not life threatening. Further, the injuries would not cause him any permanent disability and would heal.
43. In answering the re-examination, the witness states that;
- i) He is not the doctor who performed a surgery on the patient.
 - ii) At the time of referral the patient's injuries looked life threatening. However, after further analysis and the surgery, the injuries proved to be non-life threatening.
44. The next witness, PW4 was Dr. Kiran Balraj Gaikol. He is the Acting Medical Superintendent at the St. Giles Hospital. His evidence is that;

- i) He has examined and prepared the Psychiatric Evaluation Report of the accused, Mr. Ritesh Maharaj Sharma dated 20th June 2019 and marks and produces it as PE3.
- ii) St. Giles hospital has records of the accused since he was first examined in 2001 to last he was examined on 11th of May 2020.
- iii) The alleged incident has happened on the 22nd of January 2017 and the accused was examined at the St. Giles Hospital on the 20th of January 2017, just two days prior to the alleged incident. He has sought a medical certificate for a court case. He has complained of Auditory Hallucinations then. He has said that he hear voices but ignores them.
- iv) As for the records, the accused suffers from the mental impairment called Schizophrenia. It is a chronic mental illness and the exact cause for it is unknown. Mostly it is because of imbalance of neuro transmission in the brain cells.
- v) The witness states that it is highly unlikely that he had developed an instability as he was stable by the 20th of January 2017, just two days prior to the alleged incident. The witness opines that the accused must have been in a stable mental condition by the day of the alleged offence as he could narrate the incident well and was aware of his actions at the time. However, it should be considered that since he is said have had auditory hallucinations by the 20th of January 2017, and said to have not taken any medications thereafter, it is questionable whether it would give rise to the said mental impairment.
- vi) The witness states that if the accused has assaulted a person without any provocation or a reason, it is a positive sign of him having the mental impairment of schizophrenia.
- vii) Though the accused has attended the Ba Medical Center on the 10th of January 2017, the witness cannot confirm whether the accused was issued with his required medications or not.

45. The PW5 was Dr Neeraj . His evidence was that;

- i) He is a doctor attached to the Ministry of Health. He has obtained MBBS and Post Graduate Diploma in Surgery from the FNU.
- ii) He is currently based at the CWM hospital in Suva and he is the Surgical Registrar.
- iii) In 2017, he was based in Lautoka Hospital and he recalls preparing a report of the patient Ashok Kumar. He identifies the said report and marks and produces it as PE4.
- iv) He has discovered 3 injuries on the patients' abdomen. Though all 3 wounds are stab wounds, the right lower quadrant wound was the

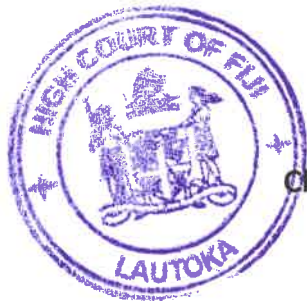
deepest. Certain examinations and tests were done and a major operation was also done to ascertain the possible damage caused to the organs.

v) After the surgery, it was confirmed that the injuries suffered by the patient, Mr. Ashok Kumar were not life threatening.

46. With the leading of the above evidence from PW1 to PW5 and marking and producing PE1 to PE4, prosecution closed their case and the Court being satisfied that the prosecution has adduced sufficient evidence covering the elements of the offence, decided to call for defense, acting under the virtue of section 231(2), of the Criminal Procedure Act, explaining and giving the due rights of the accused.
47. The accused having understood his rights, elected to remain silent. That is his constitutional right and you should not draw any adverse inference from it. Further, he decided to not to call any witnesses on his behalf.
48. That is a summary of the evidence given by the witnesses. Please remember that I have only referred to the evidence which I consider important to explain the case and the applicable legal principles to you. If I did not refer to certain evidence which you consider important, you should still consider that evidence and give it such weight you may think appropriate. As I have already explained, which evidence you would accept and which evidence you would not accept is a matter for you and you alone to decide.
49. Remember that you should first decide on the credibility and reliability of the witnesses who gave evidence in this case and accordingly decide what facts are proved and what reasonable inferences you can draw from those proven facts. Then you should consider whether the elements of the offence have been proven beyond reasonable doubt. You should take into account my directions where relevant, in deciding whether the prosecution has proved all the elements.
50. Considering all the evidence you may decide to accept, you should first decide whether you are sure that the prosecution has proved that the accused had the knowledge or the intention of murdering Mr. Ashok Kumar. If you have any reasonable doubt of it you should give the benefit of such to the accused and find him not guilty of ^{murder} Murder. However then you should consider the lesser count of "Assault causing actual bodily harm" as set out in section 275 of the Crimes Act.
51. If you have no doubt that the accused did have the knowledge or the intention then you should consider whether the accused did so due to a mental

impairment. If you are satisfied that the accused stabbed the alleged victim due to a mental impairment of his, you should find the accused not guilty of attempted murder due to his mental impairment.

52. Any re-directions? —
53. Madam and Gentlemen Assessors, that is my summing up. Now you may retire and deliberate together and may form your individual opinion on the charge against the accused. You may peruse any of the exhibits you like to consider. When you have reached your separate opinion you will come back to court and you will be asked to state your separate opinion.
54. Your possible opinions are;
- i. Is the accused guilty or not of the offense of Attempted Murder?
 - ii. If not guilty, Is It due to the mental Impairment?
 - iii. If not, is he guilty or not of the offence of Assault causing actual bodily harm?



Chamath S. Morais
JUDGE

Solicitors for the State : *Office of the Director of Public Prosecutions, Suva*
Solicitors for the Accused : *A.C. Law*