

IN THE HIGH COURT OF FIJI
AT SUVA
CRIMINAL JURISDICTION
CRIMINAL CASE NO. HAC 447 OF 2018S

STATE
Vs
SEKOVE VADEI

Counsels : **Mr. N. Sharma for State**
Mr. J. Korotini for Accused
Hearings : **22, 23 and 24 September 2020.**
Summing Up : **25 September, 2020.**
Judgment : **25 September, 2020.**

JUDGMENT

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

4. The assessors' view 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. They represent the public and their views must always be respected.
6. Like the assessors, I find the prosecution's witnesses' evidence credible. I accept the complainant's evidence, including all the other 4 prosecution's witnesses.
7. I accept the accused's confession given to the police on 16 and 17 November 2018, when he was caution interviewed. In my view, he gave the confession voluntarily and out of his own free will. I reject his allegation that the police forced the confession out of him by assaults, threats etc. I also accept that the confession was true and reflected what happened at the material time.
8. I also accept that the accused stole the complainant's properties found on him when arrested and when searched at Lami Police Station. This evidence proves that he was part of the group that violently robbed PW1 at the material time.
9. I accept the three assessors' opinion and I find the accused guilty as charged and I convict him accordingly.
10. Assessors thanked and released.



Solicitor for the State
Solicitor for the Accused

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



Salesi Temo
JUDGE