

**IN THE HIGH COURT OF FIJI**  
**AT LAUTOKA**  
**CRIMINAL JURISDICTION**

**Criminal Case No.: HAC 148 of 2016**

**STATE**

**V**

**P.K.**

**Counsel** : Ms. L. Bogitini for the State.  
: Ms. P. Reddy and Ms. N. Sharma for the Accused.

**Dates of Hearing** : 17, 18 February, 2020  
**Closing Speeches** : 19 February, 2020  
**Date of Summing Up** : 20 February, 2020

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**SUMMING UP**

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*(The name of the complainant is suppressed, she will be referred to as "LT". The name of the accused is also suppressed, he will be referred to as "P.K").*

Ladies and Gentleman Assessors

1. It is now my duty to sum up this case to you.

## **ROLE OF JUDGE AND ASSESSORS**

2. In doing so, I will direct you on matters of law, which you must accept and act upon. On matters of facts, however, which witness to accept as reliable, what evidence to accept and what evidence to reject, these are matters entirely for you to decide for yourselves. If I do not refer to a certain portion of evidence which you consider as important, you should still consider that evidence and give it such weight as you wish.
3. So, if I express an opinion on the facts of the case, or if I appear to do so, then it is entirely a matter for you whether you accept what I say or form your own opinions. You are the judges of facts.
4. You decide what facts are proved and what inferences you properly draw from those facts. You then apply the law as I explain it to you and form your own opinion as to whether the accused is guilty or not.
5. State and Defence Counsel have made submissions to you about how you should find the facts of this case. That is in accordance with their duties as State and Defence Counsel in this case.
6. Their submissions were designed to assist you as judges of facts. However, you are not bound by what they said. You can act upon it if it coincides with your own opinion. As representatives of the community in this trial it is you who must decide what happened in this case and which version of the facts to accept or reject.
7. You will not be asked to give reasons for your opinions and your opinion need not be unanimous. Your opinions are not binding on me but it will assist me in reaching my judgment.

## **BURDEN OF PROOF AND STANDARD OF PROOF**

8. As a matter of law, the burden of proof rests on the prosecution throughout the trial and it never shifts to the accused. There is no obligation on the accused to prove his innocence. Under our system of criminal justice, an accused person is presumed to be innocent until he or she is proven guilty.
9. The standard of proof in a criminal trial is one of proof beyond reasonable doubt. This means you must be satisfied so that you are sure of the accused's guilt, before you can express an opinion that he is guilty. If you have any reasonable doubt about his guilt, then you must express an opinion that he is not guilty.
10. Your decision must be based exclusively upon the evidence which you have heard in this court and nothing else. You must disregard anything you must have heard about this case outside of this courtroom.
11. You must decide the facts without prejudice or sympathy to either the accused or the complainant. Your duty is to find the facts based on the evidence without fear, favour or ill will.
12. Evidence is what the witnesses said from the witness box, documents or other materials tendered as exhibits. You have heard questions asked by the counsel and the court they are not evidence unless the witness accepts or has adopted the question asked.

## **INFORMATION**

13. The accused is charged with two representative counts of indecent assault and five counts of rape out of which there are two representative counts of rape namely counts 4 and 5. (A copy of the amended information is with you).

**COUNT ONE**  
**REPRESENTATIVE COUNT**

*Statement of Offence*

**INDECENT ASSAULT**: Contrary to section 154 (1) of the Penal Code.

*Particulars of Offence*

**P.K** between the 1<sup>st</sup> of January, 2006 to the 31<sup>st</sup> day of December, 2008 at Nausori, in the Eastern Division unlawfully and indecently assaulted “**LT**” by touching the vagina of the said “**LT**”.

**COUNT TWO**  
**REPRESENTATIVE COUNT**

*Statement of Offence*

**INDECENT ASSAULT**: Contrary to Section 154 (1) of the Penal Code.

*Particulars of Offence*

**P.K** between the 1<sup>st</sup> day of January, 2009 to the 31<sup>st</sup> day of December, 2009 at Nakasi, in the Central Division unlawfully and indecently assaulted “**LT**” by touching the vagina of the said “**LT**”.

**COUNT THREE**

*Statement of Offence*

**RAPE**: Contrary to Section 149 and 150 of the Penal Code.

*Particulars of offence*

**P.K** between the 1<sup>st</sup> day of January 2009 to the 31<sup>st</sup> day of January 2009 at Nakasi in the Central Division penetrated the vagina of “**LT**” with his penis, without the consent of the said “**LT**”.

**COUNT FOUR**  
**REPRESENTATIVE COUNT**

*Statement of Offence*

**RAPE**: Contrary to Section 207 [1] and [2] [a] of the Crimes Act 2009.

*Particulars of offence*

**P.K** between the 1<sup>st</sup> day of January 2010 to the 31<sup>st</sup> day of December, 2011 at Nakasi in the Central Division penetrated the vagina of “**LT**” with his penis, without the consent of the said “**LT**”.

**COUNT FIVE**  
**REPRESENTATIVE COUNT**

*Statement of Offence*

**RAPE**: Contrary to Section 207 [1] and [2] [a] of the Crimes Act 2009.

*Particulars of offence*

**P.K** between the 1<sup>st</sup> day of January 2012 to the 31<sup>st</sup> day of December, 2015 at Nadi in the Western Division penetrated the vagina of “**LT**” with his penis, without the consent of the said “**LT**”.

**COUNT SIX**

*Statement of Offence*

**RAPE**: Contrary to Section 207 [1] and [2] [a] of the Crimes Act 2009.

*Particulars of offence*

**P.K** on the 2<sup>nd</sup> day of July 2016 at Nadi in the Western Division penetrated the vagina of “**LT**” with his penis, without the consent of the said “**LT**”.

## COUNT SEVEN

### *Statement of Offence*

**RAPE**: Contrary to Section 207 [1] and [2] [a] of the Crimes Act 2009.

### *Particulars of offence*

**P.K** on an occasion other than that referred to in Count 6, on the 2<sup>nd</sup> day of July, 2016 at Nadi in the Western Division had penetrated the vagina of “**LT**” with his penis, without the consent of the said “**LT**”.

### Ladies and Gentleman Assessors

14. You will note that counts one and two in respect of the offence of indecent assault covers a period between the 1<sup>st</sup> day of January, 2006 and 31<sup>st</sup> day of December, 2009, and counts four and five in respect of the offence of rape covers a period between the 1<sup>st</sup> day of January, 2010 and the 31<sup>st</sup> day of December, 2015. By a representative count the prosecution alleges that more than one offence as described in the information were committed during the period specified in the counts. The law says that it shall be sufficient for the prosecution to prove that between the specified dates in the counts at least one offence was committed.
15. To prove representative counts one and two the prosecution must prove the following elements of the offence of indecent assault beyond reasonable doubt:
  - (a) The accused;
  - (b) Unlawfully and indecently;
  - (c) Assaulted the complainant “LT” by touching her vagina.
16. The first element of the offence of indecent assault is concerned with the identity of the person who allegedly committed the offence.

17. The words “unlawfully” and “indecently” in respect of the second element of the offence simply means without lawful excuse and that the act has some elements of indecency that any right minded person would consider such act indecent.
18. Assault is the unlawful use of force on the complainant “LT” by the act of touching her vagina.
19. In respect of the two representative counts of indecent assault the accused has denied all the elements of the offences. It is for the prosecution to prove beyond reasonable doubt that it was the accused who had unlawfully and indecently assaulted the complainant “LT” by touching her vagina.
20. If you are satisfied that the prosecution has proved all the elements of the offences of indecent assault beyond reasonable doubt, then you must find the accused guilty of either or both the offences of indecent assault. However, if you have a reasonable doubt in respect of any elements of the offence of indecent assault then you must find the accused not guilty.
21. To prove counts three to seven the prosecution must prove the following elements of the offence of rape beyond reasonable doubt:
  - (a) The accused;
  - (b) Penetrated the vagina of the complainant “LT” with his penis;
  - (c) Without her consent;
  - (d) The accused knew or believed the complainant was not consenting or didn’t care if she was not consenting at the time.
22. In this trial the accused person has denied committing the offences of rape as alleged. It is for the prosecution to prove beyond reasonable doubt that it

was the accused who had penetrated the vagina of the complainant with his penis without her consent.

23. The slightest of penetration of the complainant's vagina by the accused person's penis is sufficient to satisfy the act of penetration.
24. The first element of the offence is concerned with the identity of the person who allegedly committed the offence.
25. The second element is the act of penetration of the complainant's vagina by the penis.
26. The third element is that of consent, you should bear in mind that consent means to agree freely and voluntarily and out of her own free will. If consent was obtained by force, threat, intimidation or fear of bodily harm or by exercise of authority, then that consent is no consent at all. Furthermore, submission without physical resistance by the complainant to an act of another shall not alone constitute consent.
27. If you are satisfied that the accused had penetrated the vagina of the complainant with his penis and she had not consented, you are then required to consider the last element of the offence that is whether the accused knew or believed that the complainant was not consenting or did not care if she was not consenting at the time.
28. You will have to look at the conduct of both the complainant and the accused at the time and the surrounding circumstances to decide this issue.
29. If you are satisfied beyond reasonable doubt that the prosecution has proven beyond reasonable doubt that the accused had inserted his penis



into the complainant's vagina without her consent then you must find the accused guilty for either of the offences or all the offences as charged.

30. If on the other hand, you have a reasonable doubt with regard to any of those elements concerning the offence of rape, then you must find the accused not guilty of the offences he is charged with.
31. As a matter of law, I have to direct you that offences of sexual nature as in this case do not require the evidence of the complainant to be corroborated. This means if you are satisfied with the evidence given by the complainant and accept it as reliable and truthful you are not required to look for any other evidence to support the account given by the complainant.

#### **ADMITTED FACTS**

32. In this trial the prosecution and the defence have agreed to certain facts which have been made available to you titled as amended admitted facts.
33. From the amended admitted facts you will have no problems in accepting those facts as proven beyond reasonable doubt and you can rely on it. The admitted facts are part of the evidence and you should accept these admitted facts as accurate, truthful and proven beyond reasonable doubt.
34. In this case, the accused is charged with two representative counts of indecent assault, two representative and three counts of rape, you should bear in mind that you are to consider the evidence in each count separately from the other. You must not assume that because the accused is guilty on one count that he must be guilty of the other as well.
35. I will now remind you of the prosecution and defence cases. In doing so, it would not be practical of me to go through all the evidence of every witness in detail. It was a short trial and I am sure things are still fresh in your

minds. I will refresh your memory and summarize the important features. If I do not mention a particular piece of evidence that does not mean it is not important. You should consider and evaluate all the evidence in coming to your opinion in this case.

### **PROSECUTION CASE**

36. The prosecution called two (2) witnesses to prove the charges against the accused.

### **Ladies and Gentleman Assessors**

37. As you have seen the complainant gave her evidence via Skype this is another mode by which a witness can give evidence in court. I direct you not to speculate why the complainant had given evidence via this mode of communication or draw any adverse inference on the prosecution or the defence as to why the complainant was not physically present in court but had opted to give evidence via Skype. You are to only concentrate on the evidence and nothing else.
38. The complainant "LT" informed the court that the accused was her father and in the year 2006 she was 6 years of age and a class 2 student, living with her mum and dad the accused in Dilkusha, Nausori.
39. In 2006 the complainant recalled, the accused had touched her body where he was not supposed to touch in particular her vagina when she was alone with the accused in their house. At this time her mother was at work. This happened during the day time, the accused had used his hand to touch her vagina. The accused called her into the bedroom took off her clothes and then touched her vagina for about 10 minutes.

40. After this the accused told the complainant not to tell anyone he then apologized and assured her that he will not do it again. However, the accused did not stop. From 2006 to 2008 when the complainant was alone with the accused in the house he would touch her vagina with his hand on numerous occasions.
41. She did not tell anyone about what the accused was doing to her because she did not understand what was happening and the accused had also threatened her not to tell anyone about it because she was too young to understand what was happening to her and that nobody will believe her.
42. In 2009, the complainant with her parents and two brothers shifted to Nakasi. At this time the accused was unemployed for a few months. Thereafter, he got a job in a boat at the Suva Wharf. In 2009 she was 10 years of age and in class 5. It was this year the accused raped the complainant.
43. The complainant recalled on one occasion she was at home with her two brothers in the living room. The accused came and took the complainant into the bedroom. In the bedroom the accused asked the complainant to take off her clothes and then he inserted his penis into her vagina.
44. At this time she lost her virginity and her vagina was bleeding, during the sexual intercourse the complainant was crying and asking the accused to stop but he did not. This happened during the day time after school or during the school holidays. The accused also touched her vagina with his hands whenever he got the opportunity to do so.
45. According to the complainant the accused became abusive and was very strict on her whereabouts. He was short-tempered and he would assault her. The complainant further stated that she did not give consent to the accused to insert his penis into her vagina.

46. In the year 2010 the complainant was in class 6 around 11 years of age between 2010 and 2011 the complainant and her family had moved houses in Nakasi. At this time it was only the accused who was working as a Seaman so he would be away from home but after 11 days of work he would have two weeks break and it was during this time he would sexually abuse the complainant by raping her.
47. The accused would ask her to remove her clothes and then have sexual intercourse with her without her consent in that the accused would penetrate her vagina with his penis in the bedroom after the complainant arrived home from school.
48. During this time her mother would not be at home and her two brothers were in another room. The sexual intercourse would take place for about 10 to 15 minutes. The accused would ask the complainant to go into the room she would refuse by making excuses but she did not have a choice but to listen to the accused who would threaten or assault her.
49. The complainant was scared of the accused that is why she did what the accused had asked her to do, he was also violent on her and her mother. The complainant never wanted to have sexual intercourse with the accused. He would force her on the bed, hold her hands in a way so that she wouldn't move although she would try to push him away.
50. The complainant further mentioned that between 2012 and 2015, the accused would continue to have sexual intercourse with her. On one occasion he took her into the bedroom by pulling her hair. Once in the bedroom, he asked the complainant to remove her clothes when she refused he forced her by removing her clothes and then he would force himself on her by penetrating her vagina with his penis.

51. The accused also threatened the complainant not to make a sound he had slapped her on her face so that she did not make a sound since the houses were very close to each other. The sexual intercourse lasted for about 10 to 20 minutes. During this time the complainant was crying but he would not stop or did not care. The complainant did not consent to what the accused was doing to her.
52. The complainant did not tell anyone because the accused had threatened her not to tell anyone. On 2<sup>nd</sup> July, 2016 the family moved to Navo, Nadi by this time she was 17 years of age and a Form 6 student. At this time the accused was the only one earning. In the afternoon her mother left the house for a church event, the complainant and her 2 brothers were with the accused.
53. After her brothers had slept the accused came and pulled the complainant's hand and took her into the bedroom. In the bedroom, he forcefully took off her clothes and then forcefully came on top of her and had sexual intercourse by penetrating her vagina with his penis for about 10 to 20 minutes.
54. All along the complainant was crying and asking the accused to stop but he did not. The complainant did not agree to have sexual intercourse with the accused. The accused threatened the complainant if she told anyone, the complainant and her 2 brothers will not have a breadwinner in the house. This was also one of the reasons why the complainant did not tell anyone about what he was doing to her.
55. Another reason, the complainant did not tell anyone when her mother was working was that the accused had threatened her that he will hurt her. The complainant knew that the accused was a violent and short tempered person so she kept quiet.

56. The complainant also stated that there was a second incident few hours after the first incident on 2<sup>nd</sup> July. During the night her mother had come home to pick something from the house and left. After sometime the accused came, forcefully pulled her once again to the bedroom and again had forceful sexual intercourse with her by penetrating her vagina with his penis. The complainant was crying and begging the accused to stop but he did not. The complainant did not consent to what the accused was doing to her.
57. The complainant also informed the court that after every abuse the accused would ask the complainant to get dressed he would sit down with her and pray, hug her and seek forgiveness from her as well as ask God to forgive him for what he had done. The accused also after every incident told the complainant that he will not do it again. Due to the actions of the accused the complainant has lost faith in God.
58. As a result of what the accused was doing, the complainant wasn't doing well in her school work. As she grew older she understood what was happening to her and she could not take it anymore.
59. One day, the accused called her and blamed her for not doing well in school during this conversation the accused told her that she will not achieve anything in life. The complainant could not cope with her studies so one day instead of going to school about a week after the last incident on 2<sup>nd</sup> July, 2016 the complainant went to her aunt's house and finally she told her aunt everything she was going through.
60. Her mother was called by her aunt and the complainant relayed everything to her mother. The complainant also informed the court that all the incidents happened when her mother would be not at home and her two brothers would be distracted by the accused to watch movies or they would be in another room.

61. The complainant went with her mother and reported the matter to the police.
62. In cross examination the complainant agreed the accused had an anger problem but he would show care towards her and the family members. In 2006, he would take care of her, shower her, dress her and carry her to the hospital when she was sick.
63. The accused would also discipline her if she did something which she was not supposed to do and from a young age she was afraid of the accused. As a result, she started hating the accused. The complainant agreed that the accused used to be away at sea most of the time but he would come home during the weekends and day off.
64. The complainant agreed when she was at High School, she always wanted to go out and enjoy with her friends, however, her father had expressed his disapproval of her going out at night with her friends, so she did not go.
65. When it was suggested to the complainant that she had made up a story to save herself from her father's anger for not going to school, the complainant maintained that she told the truth and never made up any story against the accused.
66. When it was suggested that the reason why she did not tell her mother or her aunty was because the incidents did not happen, the complainant disagreed. She also disagreed that since she was not doing well in school she had to blame someone.
67. In re-examination, the complainant stated that she did not tell her mother what the accused was doing to her because her mother would have been really hurt. She also did not tell her aunt about what the accused was

doing to her before 2016 because she was scared of her father who was very violent and abusive to her mother.

68. The final prosecution witness, DC 3313 Josua Cakauese informed the court that he was the witnessing officer when the accused was caution interviewed by PC Inosi Ravouvou. PC Ravouvou has since migrated to Australia. The witness recognized his signature, the accused signature and the signature of PC Inosi Ravouvou.
69. The record of interview of the accused was marked and tendered as prosecution exhibit no. 1. According to the witness the accused was given all his Constitutional rights which he understood and acknowledged. The accused was cautioned and sufficient breaks were given as well.
70. The witness stated that the accused was treated fairly he was not threatened, assaulted, pressured, intimidated or induced to answer the questions asked. The accused answered the questions voluntarily. The witness identified the accused in court.
71. In cross examination the witness disagreed that he was not present when the interview commenced he also denied that he was at his table doing his work. When it was brought to the attention of the witness that he had not signed the caution interview after answer to Q. 11, the witness stated that he had overlooked to sign at that point in time.
72. When it was suggested that the interview was brought to him to be signed by the interviewing officer, the witness denied it. The witness explained his signature was the third one on page 5 of the interview because there was no space provided as on the other pages. The witness denied that he was not present throughout the interview.



Ladies and Gentlemen Assessors

73. The caution interview of the accused is before you, the answers in the caution interview are for you to consider as evidence but before you accept the answers, you must be satisfied that the answers were given by the accused and they are the truth. It is entirely a matter for you to accept or reject the answers given in the caution interview.
74. During the cross examination of the witnessing officer the counsel for the accused had asked questions suggesting that he was not present throughout the caution interview of the accused and therefore he would not be aware of the contents.
75. It is for you to decide whether the accused made those admissions and whether those admissions are the truth. If you are not sure whether the accused made those admissions in his caution interview then you should disregard them. If you are sure that those admissions were made by the accused, then you should consider whether those admissions are the truth. What weight you choose to give to those admissions is a matter entirely for you.
76. This was the prosecution case.

**DEFENCE CASE**

Ladies and Gentleman Assessors

77. At the end of the prosecution case you heard me explain options to the accused. He has those options because he does not have to prove anything. The burden of proving the accused guilty beyond reasonable doubt remains on the prosecution at all times. The accused chose to remain silent and did not call any witness that is his right and you should not draw any adverse

inference from the fact that the accused decided to remain silent and not call any witness.

78. From the line of cross examination the defence takes the position that the accused did not commit the offences as alleged. The complainant hated the accused because he was a strict father and he would not allow the complainant to go out at nights with her friends. The accused was a concerned father who was not happy that the complainant was not doing well at school.
79. As a result of this hatred by the complainant towards the accused, when she did not go to school and knowing that the accused will be angry with her she made up a story against the accused. The defence is also asking you to disregard the confession contained in the caution interview since the witnessing officer was not present throughout the interview.
80. The witnessing officer was at his desk and the interviewing officer had taken the interview to be signed by this officer that is the reason why in answer to question 11 the witnessing officer did not sign the interview. Furthermore, the defence is also saying that at page 5 of the interview the witness had signed as the last signatory when throughout the interview his signature has been the second signature.
81. This was the defence case.

### **ANALYSIS**

82. The prosecution alleges that the complainant was sexually abused by the accused her father from the time she was 6 years of age in the year 2006 to 2016 for a period of 10 years on numerous occasions from touching the complainant's vagina with his hand to forceful sexual intercourse without her consent.

83. The complainant did not tell anyone because she was threatened by the accused not to tell anyone. On all the occasions the complainant's mother was not at home and her two brothers would be distracted by the accused into watching movies or be in another room so that they were not aware of what was happening in the house. The complainant was scared of the accused since he was a violent person who had anger problems. As a result of the continued abuses the complainant's school work was affected.
84. As years passed by the complainant began to understand what the accused was doing to her and after gathering much courage she did not go to school one day but went to her aunt's house and told her what the accused had been doing to her. This was about a week after the two incidents on 2<sup>nd</sup> July, 2016. Finally the prosecution is also relying on the caution interview of the accused which they say was given voluntarily by the accused.
85. On the other hand, the accused denies committing the offences as alleged he takes the position that since he was a strict father he would not allow the complainant to go out at nights with her friends as a result the complainant hated him.
86. Furthermore, the accused has been a concerned and caring father to the extent that he would care, bathe and even carry the complainant to the hospital when she was sick. The accused was concerned when he came to know that the complainant was not doing well at school that he told the complainant that she will not be able to achieve anything in life.
87. As a result of the hatred by the complainant towards the accused, when the complainant did not go to school she knew that the accused will be angry with her so she made up a story against the accused. The defence is also asking you to disregard the confession contained in the caution interview since the witnessing officer was not present throughout the interview.

Finally the defence is asking you to consider the fact that the complainant could have told her mother about everything that she was going through but she did not, because nothing had happened as alleged.

#### Ladies and Gentleman Assessors

88. You have seen all the witnesses give evidence keep in mind that some witnesses react differently when giving evidence.
89. Which version you are going to accept whether it is the prosecution version or the defence version is a matter for you. You must decide which witnesses are reliable and which are not. You observed all the witnesses giving evidence in court. You decide which witnesses were forthright and truthful and which were not. Which witnesses were straight forward? You may use your common sense when deciding on the facts. Assess the evidence of all the witnesses and their demeanour in arriving at your opinions.
90. In deciding the credibility of the witnesses and the reliability of their evidence it is for you to decide whether you accept the whole of what a witness says, or only part of it, or none of it. You may accept or reject such parts of the evidence as you think fit. It is for you to judge whether a witness is telling the truth and is correctly recalling the facts about which he or she has testified. You can accept part of a witness's evidence and reject other parts. A witness may tell the truth about one matter and lie about another, he or she may be accurate in saying one thing and not be accurate in another.
91. You will have to evaluate all the evidence and apply the law as I explained to you when you consider the charges against the accused have been proven beyond reasonable doubt. In evaluating evidence, you should see whether the story related in evidence is probable or improbable, whether the witness is consistent in his or her own evidence or with other witnesses who gave

evidence. It does not matter whether the evidence was called for the prosecution or the defence. You must apply the same test and standards in applying that.

92. Victims of sexual offences may react in different ways to what they may have gone through. Some in distress or anger may complain to the first person they see. Some due to fear, shame or shock or confusion, may not complain for some time or may not complain at all.
93. It is up to you to decide whether you accept the version of the defence and it is sufficient to establish a reasonable doubt in the prosecution case.
94. If you accept the version of the defence you must find the accused not guilty. Even if you reject the version of the defence still the prosecution must prove this case beyond reasonable doubt. Remember, the burden to prove the accused's guilt beyond reasonable doubt lies with the prosecution throughout the trial and it never shifts to the accused at any stage of the trial.
95. The accused is not required to prove his innocence or prove anything at all. He is presumed innocent until proven guilty.
96. In this case, the accused is charged with more than one count of indecent assault and rape, as mentioned earlier you should bear in mind that you are to consider the evidence in respect of each count separately from the other. You must not assume that because the accused is guilty for one count that he must be guilty of the other as well.
97. Your possible opinions are:-

Count One:           INDECENT ASSAULT: GUILTY OR NOT GUILTY.

Count Two:           INDECENT ASSAULT: GUILTY OR NOT GUILTY.

Count Three: RAPE: GUILTY OR NOT GUILTY.  
Count Four: RAPE: GUILTY OR NOT GUILTY.  
Count Five: RAPE: GUILTY OR NOT GUILTY.  
Count Six: RAPE: GUILTY OR NOT GUILTY.  
Count Seven: RAPE: GUILTY OR NOT GUILTY.

Ladies and Gentleman Assessors

98. This concludes my summing up you may now retire and deliberate together and once you have reached your individual opinions please inform a member of the staff so that the court can be reconvened.
99. Before you do so, I would like to ask counsel if there is anything they might wish me to add or alter in my summing up.



  
**Sunil Sharma**  
**Judge**

**At Lautoka**

20 February, 2020

**Solicitors**

**Office of the Director of Public Prosecutions for the State.**

**Office of the Legal Aid Commission for the Accused.**