

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

CRIMINAL CASE NO. 011 OF 2020

BETWEEN : STATE

AND : OM KRISHNA NAICKER

Counsel : Ms S Sharma for the State
Mr K Prasad for the Accused

Date of Hearing : 12 October – 14 October 2020

Date of Summing Up: 15 October 2020

Date of Judgment : 15 October 2020

JUDGMENT

[1]

	<u>Count 1 - Rape</u>	<u>Count 2 - Rape</u>
Assessor 1	Guilty	Guilty
Assessor 2	Guilty	Guilty
Assessor 3	Guilty	Guilty

- [2] The Accused is charged with two counts of digital rape. The allegations are that he sexually penetrated the vulva and anus of a three-year child with his finger on 2 April 2019 at Vatuwaqa.
- [3] The assessors have unanimously found the Accused guilty on both counts. They have believed the account of the complainant as true and have rejected the denials of the Accused.

[4] I direct myself in accordance with my summing up. After looking at all the evidence I feel sure that the complainant's account is true. I believe the complainant's account that the Accused penetrated her external genitalia and anus with his finger after removing her underwear when she was left alone with the Accused at her home on 2 April 2019.

[5] I feel sure of the Accused's guilt on both counts. He is convicted as charged.



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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