

IN THE HIGH COURT OF FIJI
AT SUVA
CRIMINAL JURISDICTION

Crim. Case No: HAC 348 of 2019

STATE

vs.

ISOA VONU

Counsel: Mr. Z. Zunaïd for the State
Accused In Person

Date of Hearing: 05th, 06th and 7th October 2020

Date of Closing Submission: 07th October 2020

Date of Summing Up: 08th October 2020

SUMMING UP

1. The hearing of this case has now reached its conclusion. I have to sum up the case for you. As I explained to you before the commencement of the hearing, we have different functions. It is my task to ensure that the trial is conducted according to law. As part of that, I will direct you on the law that applies to this action. You must accept the law from me and apply all directions I give you on matters of law.
2. Your function is to determine the facts of the case based on the evidence that has been placed before you in this courtroom. That involves deciding what evidence you accept or refuse. You will then apply the law, as I explain it to you, to the facts as you find them to be, and in that way, arrive at your opinion.

3. I may comment on the facts if I think it will assist you when considering the facts. However, you are not obliged to accept any comment I make about the facts. Hence, it is entirely upon you to accept or disregard any comment I make about the facts unless it coincides with your own independent opinion.
4. You must reach your opinion on evidence and nothing but on the evidence itself. Evidence is what the witnesses said from the witness box and the exhibits tendered as evidence. This summing up, statements, arguments, questions, and comments made by the parties are not evidence. The purpose of the opening address by the learned counsel for the Prosecution is to outline the nature of evidence intended to be put before you. Therefore, the opening address of the Prosecution is not evidence. The closing addresses of the counsel of the Prosecution and the Defence are not evidence either. They are their arguments, which you may properly consider when you evaluate the evidence, but the extent to which you do so is entirely a matter for you.
5. If you heard, read, or otherwise learned anything about this case outside of this courtroom, you must exclude that information or opinions from your consideration. You must have regard only to the testimony put before you in this courtroom. Ensure that no external influence plays a part in your deliberation. You are allowed to talk, discuss, and deliberate facts of this case only among yourselves. However, each one of you must reach your own opinion. You are required to give merely your opinion but not the reasons for your opinion. Your opinion need not be unanimous. I must advise you that your opinion does not bind me, but I assure you that I will give your opinions the greatest possible weight when I make my judgment.
6. Moreover, I must caution you that you should dismiss all emotions of sympathy or prejudice, whether sympathy for or prejudice against the accused, the Complainant, or anyone else. No such emotion has any part to play in your decision, nor should you allow public opinion to influence you. It would be best if you approached your duty dispassionately, deciding the facts solely upon the whole of the evidence. You have to determine the legal culpability as set down by law and not the emotional or moral culpability of the action.

Burden and Standard of Proof

7. I now draw your attention to the issue of burden and standard of proof. The accused is presumed to be innocent until he is proven guilty. The presumption of innocence is in force until you form your own opinion that the accused guilty of the offence.
8. The burden of proof of the charge against the accused is on the Prosecution. It is because the accused is presumed to be innocent until he is proven guilty. In other words, there is no burden on the accused to prove his innocence, as his innocence is presumed by law.
9. The standard of proof in a criminal trial is "proof beyond a reasonable doubt." It means that you must be satisfied in your mind that you are sure of the accused's guilt. If there is a riddle in your mind about the accused's guilt, that means the Prosecution has failed to satisfy you the guilt of the accused beyond a reasonable doubt. If you find any reasonable doubt about the commission of the offence as charged or any other offence by the accused, such doubt should always favor the accused.

Information and elements of the offences

10. The accused is being charged with one count of Aggravate Robbery, contrary to Section 311 (1) (a) of the Crimes Act. The particulars of the offence are in the information. Hence, I do not wish to reproduce them in the summing up.
11. The main elements of the offence of the Aggravated Robbery are that:
 - i) The accused person,
 - ii) In the company of two other persons,
 - iii) Committed the robbery on Mr. Sanjay Narayan Sharma, stealing \$1800 and one Samsung Mobile Phone.

12. The first element involves the identity of the offender. The Prosecution has to prove beyond a reasonable doubt that the accused with two others committed this offence and no one else
13. Then the Prosecution has to prove that the accused committed this offence in the company of two others. Hence, the Prosecution's case is that the accused committed this offence together with two others. Where two or more persons commit a criminal offence, each of them may play a different part, but if they are acting together as part of a joint plan or agreement to commit the offence, they are each guilty.
14. The word plan and agreement do not mean that there has to be any formality about it. An agreement to commit an offence may arise on the spur of the moment. Nothing needs to be said at all. It can be made with a nod and a wink or a knowing look, or it can be inferred from the parties' behavior. The essence of joint responsibility for a criminal offence is that each accused shared a common intention to commit the offence and played his part in it, however great or small, to achieve that aim.
15. Robbery is an aggravated form of theft. Theft becomes a robbery if the accused with two others, immediately before committing theft, or at the time of committing theft, or immediately after committing theft, use force or threaten to use force on another person with the intent to commit theft or to escape from the scene.
16. A person commits theft if that person:
 - i) Dishonestly,
 - ii) Appropriates the property belonging to another,
 - iii) With the intention of permanently depriving the other of that property.
17. The elements of 'dishonestly' and "the intention of permanently depriving the other of the property" is the state of mind of the accused at the time of committing the offence. Inferences of the state of mind of the accused could be drawn from the conduct of the accused.

18. 'Appropriation of property' means taking possession or control of the property without the person's consent to whom it belongs. At law, the property belongs to a person if that person has possession or control of the property.
19. Accordingly, the Prosecution has to prove beyond a reasonable doubt that:
- i) The accused,
 - ii) In the company of two others,
 - iii) Dishonestly appropriated \$1800 and one Samsung Mobile Phone belong to Sanjay Narayan Sharma,
 - iv) With the intention of permanently deprive it,
 - v) And used force on Mr. Sanjay Narayan Sharma immediately before or after stealing the said items.

Evidence of the Prosecution

20. Let me now remind you briefly of the summary of the evidence presented by the Prosecution and the Defence during the hearing. This is a very short hearing and lasted only for three days. Therefore, I trust that you can correctly and adequately recall all of the evidence adduced during the hearing.
21. The first witness of the Prosecution is Mr. Sanjay Narayan Sharma. He lives in his house, which is adjacent to the Hanuman Temple at Nakasi. He lives there with his wife and four daughters. On the 3rd of September 2019, he had gone to bed at around 10.30 p.m. He was in his bedroom while his wife and daughters were in their bedroom. His bedroom, which has no door, is close to the kitchen.
22. While he was sleeping, Mr. Sharma had heard a loud noise coming from the kitchen. He then walked towards the kitchen and found two i-taukei youths were inside the kitchen. The light of the kitchen was on. He got scared and went back to his room and put the lights on. Simultaneously, the two youth came, and one of them placed a chopper on his neck,

threatening him not to shout if so they would kill him. The boy who had the chopper in his hand was dressed in a red jacket and covered his face with a mask. He was a slim person. Other person was not wearing a mask. He was dressed in a blue coloured t-shirt. The boy in a blue coloured t-shirt is a fit and fair person. He is a medium-size person with short curly hair. Mr. Sharma said that he clearly saw the face of the boy in the blue t-shirt as the lights in the room were on, and the boy was standing very close to him. When the boy with the masked place the chopper on his neck and asked him the mangal sutra and gold chains, the boy in the blue t-shirt was standing just a meter away. Mr. Sharma said he clearly saw the face of the boy in the blue t-shirt. When Mr. Sharma said that he had no mangal sutra and gold chain, they had asked him the cash. Mr. Sharma had then opened the drawer and gave the boy in the blue t-shirt, the red money box, and cash.

23. The boy in the blue t-shirt then got a piece of cloth and placed the money and coins on it. Mr. Sharma clearly saw the boy in a blue t-shirt at that time also as he was very close to him. The boy in the masked then tied Mr. Sharma's hand and legs with a piece of cloth and pushed him to the bed. He then threatened Mr. Sharma, saying not to shout. Then, the boy in the blue t-shirt left the room, and the other one followed him. They left the house through the front door. Mr. Sharma found that they have gained entry into the home through the window of the kitchen. He then managed to untie his hands and legs. Mr. Sharma then went and called his wife. Afterward, they had reported the matter to the Police.
24. You have seen Mr. Sharma identified the accused as the same boy dressed in a blue t-shirt and robbed his house with another on the 4th of September 2019.
25. The second witness of the Prosecution is Ms. Arieta Teinaki. She was working at Sunny's carwash at Nakasi. The carwash is situated about 150 meters away from the Hanuman Temple. On the 2nd of September 2019, Arieta was working at the carwash. At around 7 p.m., one Isoa and another came to her, asking for a screwdriver. She knew Isoa as he used to come to the carwash very often, like three times per week. She had known him for about three months. Arieta told them that she did not have a screwdriver. However, they kept

asking her, saying that they need it for a job and after that, they will give her money. Isoa was dressed in a blue coloured t-shirt and black $\frac{3}{4}$ trousers.

26. On the 3rd of September 2019, at around 8.00 p.m., Isoa and his friend came to the carwash again. Arieta was still working at that time. They were dressed in the same clothes as they had on the previous day. Arieta identified the accused as Isoa, who came to the carwash on the 2nd and 3rd of September 2019.
27. The third witness of the Prosecution is Yiliame Momo. He was working at Sunny's carwash at Nakasi in September 2019. On the 2nd of September 2019, one Isoa and Temo came to the carwash at around 7 p.m. while Mr. Momo was working. He knew Isoa as he used to bring a car to the carwash. Isoa typically comes three times a week to the carwash. Isoa and Temo had gone to Arieta and had a conversation. They then came to Mr. Momo asking for a screwdriver as they have to do a job. Isoa was dressed in a blue coloured t-shirt and three-quarter shorts.
28. On the 3rd of September 2019, at around 5 p.m. Mr. Momo had witnessed Isoa, and Temo was standing at the front gate of the Holiday Car Rentals. Isoa was dressed in the same blue coloured t-shirt. They were hanging around the carwash till about 9.30 p.m. on that day. You have seen Mr. Momo identified the accused as Isoa.
29. The fourth and fifth witnesses of the Prosecution are PC Tevita and PC Peni Gavulagi. They were involved in arresting the accused at Natokowaqa Street in Lautoka on the 8th of October 2019. PC Tevita was the Arresting Officer, and PC Peni was part of the arresting team.
30. The sixth witness of the Prosecution is DC Jitendra Prakash. He was the Investigation Officer of this matter. Besides his responsibilities as the Investigation Officer, he had conducted the caution interview of the accused. During the recording of the caution interview, DC Jitendra had requested the accused if he wishes to stand for an identification parade, which the accused had refused. DC Jitendra had then taken a photograph of Sunny's carwash and the Hanuman Temple. He tendered the said photograph in evidence as to the prosecution exhibit

one. According to his observation, the Holiday Car Rental is situated about 50 meters away from Sunny's carwash. Moreover, DC Jitendra has uplifted the chopper used by the suspects in committing this offence, the money box, and some loose coins. Those items have been found in the vicinity of the house of the Complainant.

31. The last witness of the Prosecution is Mr. Levita Ravai. Mr. Ravai had been charged with this same count of Aggravated Robbery, with one Seruvatu Niumataiwalu. Mr. Ravai had pleaded guilty on his own free will and presently serving five years imprisonment at the Suva Prison. In his evidence, Mr. Ravai said the co-accused Mr. Seravatu is his cousin and known as Temo. On the 3rd of September 2019, at around midday, Mr. Ravai was at home waiting for Isoa to come, as they have planned to steal from the Hindu Temple with Temo. At around 10 a.m. on the morning of the 3rd of September 2019, Mr. Ravai, Temo, and Isoa had made a plan to steal the said temple. They made this plan at the BBQ stall.
32. Mr. Ravai met Isoa and Temo at around 10 p.m. They then went to the house near the temple at about 2 a.m. on the 4th of September 2019. Mr. Ravai's role in this crime was to guard the scene while Isoa and Temo entered the house and carried out the crime. Isoa and Temo entered the house through the window. Five minutes after they entered the house, Isoa and Temo came back with money in their hand. Isoa had cash with him. They shared the proceeds of the crime and then went away on their separate directions. Mr. Ravai went to Nadonumai.

Evidence of the Defence

33. At the conclusion of the Prosecution's case, the accused was explained about Defence's rights. The accused opted to give evidence. I will now proceed to summarize the evidence presented by the Defence briefly.
34. In his evidence, the accused denies the allegation made by the Prosecution. He had gone to Lautoka in August 2019 and stayed with his relatives at Tomuka. He had met one Ravoni Yalayala at Tomuka. Ravoni Yalayala lives a few blocks from the accused relative's house. Ravoni Yalayala had asked the accused if he could join them for shopping on the 4th of

September 2019 and the 14th of September 2019. He had gone to do grocery shopping in Lautoka with Ravoni Yalayala. He then moved to Natokowaqa in September and stayed with Titus Nair until the Police arrested him.

35. During the cross-examination, the accused said Ravoni Yalayala is presently in remand custody at the Suva Remand Centre. He has not met Ravoni Yalayala in prison. Ravoni Yalayala is in a different dormitory. One Prison Officer had informed the accused that Ravoni Yalayala had been brought to the Suva prison. The prison officer had found the accused is also from Tomuka village as Ravoni. The accused further said that he was working at Core Construction, based in Vatuwaqa, Suva, in September 2019. He knows Viliame Momo and Arieta as he used to take his car to Sunny's carwash.
36. I have summarized the evidence presented during this hearing. However, I might have missed some. It is not because they are not important. You have heard every item of evidence. I only wanted to draw your attention to the main items of evidence and help you recall yourselves of the evidence.

Analysis and Directions

37. The Prosecution alleges that the accused with two others had entered the house of the Complainant and then robbed FJ \$1800 cash and one Samsung mobile phone. The accused denies the allegation, saying that he was in Lautoka with one Ravoni Yalayala on the 4th of September 2019. Accordingly, the main dispute in this matter is whether it was the accused who entered the house of the Complainant with another, while the third accomplice was guarding outside the home. To do that, you have to determine the reliability and credibility of the Prosecution and the Defence's evidence.

Evaluation of the Evidence

38. I now take your attention to the direction of evaluation of the evidence. The evolution of evidence consists of two main steps, the determination of the reliability and the credibility of the evidence.

Reliability of Evidence

39. You must be satisfied that you can rely on the evidence as reliable evidence. To do that, you have to be satisfied that evidence is free from mistakes, errors, and inaccuracies. If you find the evidence is free from such mistakes, errors, and inaccuracies, you can consider the evidence as reliable evidence.

Credibility of Evidence

40. The assessment of the credibility of evidence does not concern the unintended inaccuracy, mistakes, or errors. It focuses on the lies or inaccurate facts that are intentional and motivated attempts to deceive. The credibility depends on the individual who gives evidence, their motivations, their relationship to, and the reaction to a particular situation.
41. Evaluation of the reliability and credibility of evidence will help you determine what evidence you may accept and what part of the evidence you may refuse. In doing that, you may accept or reject such parts of the evidence as you think fit. It is for you to decide whether a witness is telling the truth and is correctly recalling the facts about which he or she has testified.
42. In assessing the witnesses' evidence, you must consider whether the witness had the opportunity to see, hear, and or feel what the witness is talking about in the evidence. It would be best if you then considered whether the witness's evidence is probable or improbable, considering the circumstances of the case. Apart from that, you are required to

consider the witness's consistency not only with his or her evidence but also with other evidence presented in the case.

43. It is your duty to consider the witnesses' demeanour, how they react to being cross-examined, and re-examined and were evasive to decide the witness's credibility.
44. Moreover, you must bear in mind that 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 accurate in another thing.

Defence of Alibi

45. Let me now take your attention to the accused's Defence, where he claims that he was not present at the scene of the crime, as he was in Lautoka on the 4th of September 2019 with Ravoni Yalayala. The accused's Defence is an alibi.
46. The accused is not obliged to prove his innocence and also not required to give evidence. However, in this hearing, the accused elected to give evidence. Therefore, you have to consider the evidence adduced by the Defence when you determine the issues of this case.
47. Even though the accused has put forward the Defence of alibi, the burden of proving the case against the accused remains on the Prosecution. The Prosecution must prove so that you are sure that the accused was present and allegedly committed this crime as charged. In doing that, the Prosecution has to disprove the alibi defence put forward by the Defence. That does not mean the Prosecution is required to provide specific evidence to disprove that the accused was not in Lautoka with one Ravoni Yalayala doing grocery shopping. If you believe and accept the Prosecution witnesses' evidence as credible, reliable, and truthful beyond a reasonable doubt, then the Prosecution has discharged its duty of disproving the accused person's alibi defence.

48. If you conclude that the accused's alibi is true or may be true, then the accused cannot participate in this alleged crime, and you must find the accused not guilty. If, on the other hand, you are sure, having considered the evidence carefully, that the accused's alibi is false, that is a finding of fact that you are entitled to consider when judging whether he is guilty. But do not jump to the conclusion that because the alibi put forward is false, the accused must be guilty. You should bear in mind that sometimes an alibi is invented because the accused thinks it is easier than telling the truth. The main question for you to answer is: are we sure that this alleged incident involving the accused took place as claimed by the Prosecution.
49. In respect of alibi defence, the accused is not required to prove beyond a reasonable doubt his alibi defence. The burden of the accused to prove his alibi is an evidential burden. It means that the accused has to adduce or point to evidence that suggests a reasonable possibility that he was somewhere else when this alleged offence took place. If you believe or maybe believe that there is evidence that suggests a reasonable possibility that the accused was not present at the scene of the crime and he was in Lautoka, you can find the accused not guilty.
50. You have to consider the evidence of the accused when you proceed to determine whether the Defence of alibi of the accused is true or may be true or false. The accused said he went to West in August and stayed at Tomuka, where he met one Ravoni Yalayala. According to the accused, he was shopping with Ravoni Yalayala in Lautoka not only on the 4th of September 2019 but also on the 14th of September 2019.
51. According to the accused's evidence, he did not specify the time of his grocery shopping on the 4th of September 2019. I would like to remind you that the Prosecution alleges that this robbery incident took place on the early morning of the 4th of September 2019. Meanwhile, you may recall the accused admitted during the cross-examination that he was employed at Core Construction, based in Vatuvaqa in Suva, in September 2019.

Evidence of the Prosecution

52. As we already discussed, the accused claims that he was not present at the crime scene. Therefore, the Complainant may have mistakenly identified one of the alleged perpetrators as the accused. Consequently, you must determine whether the Complainant had clearly and adequately identified the accused as one of the perpetrators. To do that, you have to decide whether or not you can accept the Complainant's evidence as reliable, credible, and truthful evidence.
53. When you are considering the evidence of identification given by the Complainant, you need to exercise special caution. The reason for this is that experience tells us that honest and impressive witnesses, genuinely convinced of the correctness of their identification, have in the past made mistakes, even a number of witnesses making the same identification. You cannot convict the accused unless you are sure that the Complainant's identification of the accused was accurate.
54. When you consider the admissibility, and the strength, of identification evidence, it is necessary to consider separately;
- i) The circumstances in which the witness saw the accused and,
 - ii) The circumstances in which he later identified the accused and,
 - iii) Any other evidence in the case which may support the identification evidence.
55. Especially you have to take into consideration the followings when you consider the circumstances in which the witness saw the accused, that;
- i) How long was the suspect under observation?
 - ii) At what distance?
 - iii) In what light?
 - iv) Was the observation impeded in any and, if so, what way?

- v) Had the witness seen the suspect before and, if so, how often and in what circumstances?
 - vi) Was there any material difference between the description given by the witness at the time and the suspect's actual appearance?
 - vii) Any other circumstances emerging in the evidence which might have affected the reliability of the identification.
56. The above consideration will help you to determine the duration and the conditions of the witness's observation of the offender during or around the time of the offence.
57. You must then determine the circumstances in which the witness later identify the accused. You have seen the Complainant was asked by the learned counsel for the Prosecution if he sees the boy who was in the blue t-shirt again, would he be able to recognize him. For which the Complainant answered affirmatively. The Complainant then pointed out at the accused, saying that he was the same boy dressed in a blue t-shirt and robbed him with another on the early morning of the 4th of September 2019. That was the first time the Complainant identified the accused as one of the perpetrators as he has not identified the accused previously. This type of identification is called 'dock identification'. You must take special caution when you consider the evidence of 'dock identification'. It is because "dock Identification" is inherently questionable and dangerous, especially when the witness identifies the accused for the first time in court without any previous identification parade or other pre-trial identification procedures such as Photographs identification.
58. The purpose of the pre-trial identification procedures is to ensure that a witness's identification takes place in circumstances where the identifying witness's recollection is tested objectively by placing the suspect in a line or a group made up of like-looking suspects. Placing the accused among a number of similar-looking suspects could check on the accuracy of the witness's identification by reducing the risk that the witness is merely picking out someone who resembles the perpetrator.

59. Such safeguards are not available when the witness is asked to identify the accused in the dock at the trial. The accused is sitting in the dock when the witness is asked to point out the alleged suspect if he sees him in the court. There is a tendency for the witness to point to the accused, not because the witness recognizes the accused, but because the witness knows who the accused is and where he is seated and could guess who the Prosecutor wants the witnesses to point out. Even a well-intentioned eye witness could automatically assume the accused sitting in the dock as the person who had committed the crime. You have to keep in mind these disadvantages of dock identification when you consider the evidence of identification of the Complainant.
60. On the other hand, DC Jitendra Prakash said the accused refused to stand for an Identification Parade during the investigation. Thus, denying the Complainant an opportunity to make an identification of the suspect at a properly organized Identification Parade. If you accept the evidence of DC Jitendra, then you must consider that as well. If you accept the evidence of DC Jitendra that the accused had refused to stand for an Identification Parade, that is a finding of fact that you are entitled to consider when judging whether he is guilty. But do not jump to the conclusion that because he refused to stand for an identification parade, the accused must be guilty.
61. When you determine the evidence of identification, you can consider other evidence that tends to support the Complainant's evidence of identification. In his evidence, Mr. Tevita Ravai explained that he had planned to commit this crime with the accused and one Seruvatu, also known as Temo, at around 10 a.m. on the 3rd of September 2019. They had then carried out that plan at about 2 a.m. on the early morning of the 4th of September 2019. The accused was not masked; however, Temo was wearing a mask. The accused and Seruvatu entered the house through the window while Tevita was guarding outside. He said it was the accused who had money in his hand when they came out of the house.
62. Moreover, Arieta had seen the accused with another at around 8.00 p.m. when they came to the carwash on the 3rd of September 2019. The accused was dressed in a blue coloured t-shirt. Viliame Momo had seen the accused and Temo standing in front of the main gate of

Holiday Car Rentals at around 5 p.m. on the 3rd of September 2019. He had observed the two till about 9 p.m. as they were hanging around the vicinity. The accused was dressed in a blue coloured t-shirt.

Evidence of accomplice witnesses

63. Mr. Tevita Ravai has been sentenced for this crime with Mr. Seruvatu and presently serving in prison. Mr. Tevita is called by the Prosecution to give evidence for the Prosecution. He is an accomplice witness. An accomplice means a person who has participated in the alleged crime either as a principal or an accessory. In some instances, a co-accused who pleaded guilty to the offence may be called by the Prosecution to give evidence for the Prosecution.
64. In some instances, the court has experienced that accomplice witnesses may have some adverse or personal motives in giving evidence on behalf of the Prosecution. You can rely and act upon the evidence of the accomplice witnesses. Still, I must caution you that it may be dangerous to do so if his evidence has been shown or suggested by the Defence as unreliable or tainted with adverse motive. In such circumstances, you should not rely or act upon such evidence of the accomplice witnesses unless their evidence is collaborated by other evidence adduced in the hearing.
65. Accordingly, you have first to consider whether the evidence of Mr. Tevita Ravai has been challenged or shown as unreliable and tainted with an adverse ulterior motive. If you consider Mr. Tevita's evidence has not been contaminated with any adverse ulterior motives, you can then act or rely on it. However, if you find it tainted with adverse ulterior motives, then you must look whether there is evidence that could support or collaborate the accounts given by Mr. Tevita.
66. Furthermore, you should not adversely consider the fact that Mr. Tevita has already pleaded guilty for this offence against the accused. The fact that Mr. Tevita has already pleaded guilty does not automatically make the accused guilty of this charge.


Final Directions

67. Ladies and Gentleman, I now take your attention to the final directions of the summing up.
68. Upon consideration of the whole of the evidence adduced during the hearing, if you are satisfied that the Prosecution has proven beyond a reasonable doubt that the accused has committed the offence of Aggravated Robbery as charged, you can find the accused guilty of the said offence.
69. If you are not satisfied or have doubt whether the Prosecution has proven beyond a reasonable doubt that the accused has committed the offence of Aggravated Robbery as charged under count one, you must find the accused not guilty of the said count.

Conclusion

70. Madam and Gentleman Assessors, I now conclude my summing up. It is time for you to retire and deliberate your individual opinions. You will be asked individually for your opinion and will not require to give reasons for your opinion. When you have reached your opinion, you may please inform the clerks so that the court could reconvene.
71. Learned counsel of the Prosecution and the accused, do you have any redirections to the assessors?




R.D.R.T. Rajasinghe
Judge

At Suva
08th October 2020

Solicitors
Office of the Director of Public Prosecutions for the State.
Accused In Person.