

IN THE HIGH COURT OF FIJI
AT SUVA
CRIMINAL JURISDICTION
CRIMINAL CASE NO. HAC 430 OF 2018S

STATE
Vs
SETAREKI RAVIA

Counsels : **Mr. M. Vosawale and Mr. U. Lal for State**
Ms. M. Chand for Accused
Hearings : **12, 13, 14, 15 and 16 October, 2020.**
Summing Up : **19 October, 2020.**
Judgment : **19 October, 2020.**

JUDGMENT

1. The three assessors had returned with a unanimous opinion finding the accused guilty as charged on count no. 1 and 2.
2. Obviously, the three assessors had accepted the prosecution's version of events and it also meant they have accepted their witnesses' evidence as credible.
3. The above also meant they had rejected the accused's sworn denials and had also rejected his version of events.

4. I have reviewed all the evidence called in the trial and I have directed myself in accordance with the summing up I gave the assessors today.
5. The assessors' opinion was not perverse. It was open to them to reach such conclusion on the evidence.
6. 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 decision must be treated with respect.
7. In this case, I accept that the accused voluntarily confessed to the police about the crimes when caution interviewed on 11 November 2018. I also find as a matter of fact that he did so out of his own free will. I find his confession to be true.
8. As to PW3's identification evidence, I find it was of a high quality. The test laid out by **R v Turnbull** had been met and I accept that she correctly identified the accused committing the crimes against PW1 and PW2.
9. Given the above, I accept the three assessors' unanimous opinion that the accused is guilty as charged on count no. 1 and 2. I convict him accordingly on those counts.
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.**

A handwritten signature in blue ink, appearing to be "Salesi Temo".

Salesi Temo
JUDGE