

IN THE HIGH COURT OF FIJI
AT LAUTOKA
CRIMINAL JURISDICTION

CRIMINAL CASE NO. HAC 60 of 2022

BETWEEN : **THE STATE**

A N D : **ILAI MANOA**

ACCUSED

Counsel : Ms. S. Swastika for the State.
: Mr. F. Singh with Ms. S. Pillay for the Accused.

Date of Hearing : 26 August, 2024
Date of Ruling : 26 August, 2024

RULING

[No case to answer]

1. The accused faces one count of rape, one count of sexual assault and one count of indecent assault. The prosecution called one witness the complainant in support of the charges. After the prosecution closed its case the defence counsel moved the court for a no case to answer in respect of all the offences the accused is charged with.
2. The test at this stage of the trial is whether there is evidence in respect of all the elements of the offences the accused is charged with. The complainant told the court in cross examination and again in re-

examination that she had consented for the accused to do what he did to her on 23rd March, 2022 in his kitchen.

3. Without consent is an essential element of the offences the accused is charged with, the fact that the complainant told the court that she consented to what the accused had done leaves an essential element of the offences unsatisfied. In her usual fairness the state counsel concedes to the application. This court rules that there is no evidence in respect of the essential element of “without consent” of the complainant to put the accused to his defence.
4. In view of the above, the accused is found not guilty and he is acquitted of all the three counts as charged.


Sunil Sharma
Judge



At Lautoka
26th August, 2024

Solicitors

Office of the Director of Public Prosecutions for the State.

Office of the Legal Aid Commission for the Accused.