

IN THE HIGH COURT OF FIJI
AT LAUTOKA
CRIMINAL JURISDICTION

CRIMINAL CASE NO: HAC 184 OF 2022

STATE

VS

ISTIFAQ AHMED ALI

Counsel : Ms. S. Swastika for the State
Mr. I. Khan for the Accused

Date of Hearing : 15 September, 2025
Date of Ruling : 15 September, 2025

RULING ON NO CASE TO ANSWER

(The name of the complainant is suppressed, she will be referred to as "Z.N)

1. The accused faces two counts of rape contrary to section 207 (1) and 2 (b) of the Crimes Act 2009.
2. The prosecution called the complainant in support of the charges. The complainant informed the court that she was forced by the school matron

to make those allegations against the accused. According to the complainant the accused who is her uncle did not do anything to her as alleged.

3. Upon questioning by the court the complainant confirmed that she understands the meaning of oath and that she has not been forced to say what she told the court, whatever she has told the court was on her freewill.
4. The state counsel closed its case after calling the complainant. The defence counsel made an application for no case to answer.
5. The test at this stage of the trial is whether there is any evidence in respect of all the elements of the offences the accused is charged with.
6. This court is satisfied that there is no evidence against the accused as charged. In the circumstances, this court has no option but to uphold the application for no case to answer and acquit the accused.
7. The accused is acquitted of both counts of rape as charged and he is free to leave the dock.



Sunil Sharma
Judge



At Lautoka

15 September, 2025

Solicitors

Office of the Director of Public Prosecutions for the State.

Messrs Iqbal Khan and Associates for the Accused.