

IN THE HIGH COURT OF FIJI
AT LAUTOKA
CRIMINAL JURISDICTION

CRIMINAL CASE NO.: HAC 20 OF 2012

STATE

-v-

SERUPEPELI RAMAKITA

Counsels : **Mr. F Lacanivalu for the State**

Accused in Person

Date of Trial : **01 July – 02 July 2013**

Date of Judgment : **04 July 2013**

JUDGMENT

1. The assessors have returned with majority verdict of not guilty as charged on the count of Rape against the accused.
2. Obviously, majority of the assessors have not accepted the prosecution's version of events. It appeared they have found that the prosecution had not proven the case beyond reasonable doubt.
3. I have directed myself in accordance with the summing up I delivered to the assessors yesterday.

4. I have also reviewed the evidence called in the trial.
5. In my view, the assessor's verdict is not perverse.
6. It was open for them to reach such conclusion on the evidence.
7. It is Judge's duty to listen to the view of the community when it comes to a conflict of the version of events between the complainant and the accused.
8. In this case, the assessor's verdict is not binding on me. However, on a careful assessment of the case, I am prepared to accept their majority Not Guilty verdict on the count and give the accused the benefit of doubt.
9. I accept the assessor's verdict and I find that the prosecution has not proven its case beyond reasonable doubt.
10. I find the accused Not Guilty as charged and I acquit him.

Sudharshana De Silva
JUDGE

**At Lautoka
04 July 2013**

**Solicitors for the State : Office of the Director of Public Prosecution, Lautoka
Solicitors for the Accused: In Person**