

IN THE HIGH COURT OF FIJI
AT LAUTOKA
CRIMINAL JURISDICTION

CRIMINAL CASE NO.: HAC 29 OF 2004

STATE

-v-

- 1. ALESI NALAVE**
- 2. KELERA MARAMA**

Counsels : **Ms. S. Puamau for the State**
Ms. T. Sharma with Mr. R. Kumar for the 1st accused
Mr. Anil J. Singh for the 2nd accused

Date of Trial : **16 September - 24 September 2013**
Date of Judgment : **25 September 2013**

JUDGMENT

1. The two accused were charged under the following count:

COUNT 1

Statement of Offence

Murder: Contrary to Sections 199 and 200 of the **Penal Code**, Cap. 17

Particulars of Offence

ALESI NALAVE TAWAKE d/o Ranjit Kumar and **KELERA MARAMA** on the 10th day of June 2004 at **NADI** in the **WESTERN DIVISION** murdered **XIAOLU LI** also known as **SHERLY LI**.

2. All three assessors unanimously found both accused guilty of the above charge.
3. I direct myself in accordance with the law and the evidence which I discussed in my summing up to the assessors.
4. Considering the nature of the evidence before the court, I am convinced that the prosecution had proved the case beyond reasonable doubt.
5. I find the verdict of the assessors were not perverse. It was open to them to reach such a conclusion on the evidence. I concur with their verdict. Considering all, I find the accused guilty as charged in respect of murder.
6. Accordingly I convict Alesi Nalave Tawake and Kelera Marama for Murder contrary to Sections 199 and 200 of the Penal Code, Cap 17.

Sudharshana De Silva

JUDGE

AT LAUTOKA

On 25th September 2013

Solicitors for the State:

Solicitors for the 1st Accused:

Solicitors for the 2nd Accused:

Office of the Director of Public Prosecution

Office of the Legal Aid Commission

Mr Anil J Singh