

IN THE HIGH COURT OF FIJI
AT SUVA
CRIMINAL JURISDICTION
CRIMINAL CASE NO. HAC 377 OF 2012S

STATE

VS

IOSEFO KABAURA

Counsels : **Ms. A. Vavadakua for State**
Ms. L. Raisua for Accused
Hearings : **24, 25 and 26 February, 2014**
Summing Up : **28 February, 2014**
Judgment : **28 February, 2014**

JUDGMENT

1. The three assessors have returned with a unanimous guilty verdict against the accused on all the four counts in the information.
2. They have found the accused guilty of punching the victim on the face (count no. 4); of licking the victim's vagina (count no. 2); of sucking the victim's breast (count no. 3) and of raping the victim (count no. 1) at the material times.
3. Obviously, the assessors' have accepted the prosecution's version of events. They have accepted the complainant's version of events and have rejected the accused's denials. As judges of fact, they were entitled to do the above.

4. In my view, the three assessors' verdict was not perverse. It was open to them to reach such conclusion on the evidence.
5. I have reviewed the evidence called in the trial and I have directed myself in accordance with the Summing Up I gave the assessors today.
6. I agree with the three assessors' verdict. Like them, I accept the complainant's evidence and version of events. The medical report (Prosecution Exhibit No. 1) confirmed the complainant's version of events, and thereby increased her credibility as a witness. The medical report also leads me to reject the accused's denials. The complainant was with him, at the material times and he committed the 4 offences against her.
7. Because of the above, I find the accused Guilty as Charged on all counts and I convict him accordingly.
8. Assessors thanked and released.

Salesi Temo
JUDGE

Solicitor for the State : **Office of the Director of Public Prosecution, Suva.**
Solicitor for the Accused : **Legal Aid Commission, Suva.**