

**IN THE HIGH COURT OF FIJI**  
**AT LAUTOKA**  
**CRIMINAL JURISDICTION**

**CRIMINAL CASE NO.: HAC 151 OF 2011**

STATE

-v-

ROHIT PRASAD

**Counsels** : Mr. Timoci Qalinauci for the State

The accused in person

**Date of Trial** : 18 March 2014 - 19 March 2014

**Date of Summing Up** : 20 March 2014

**Date of Judgment** : 20 March 2014

## **JUDGMENT**

1. The Accused is charged under following counts:

### **First Count**

#### ***Statement of Offence***

**RAPE:** Contrary to Section 207 (2) (a) of the Crimes Decree No. 44 of 2009.

#### ***Particulars of Offence***

**Rohit Prasad**, between the 1<sup>st</sup> of April 2011 and the 30<sup>th</sup> of April 2011 at Tagitagi, Sigatoka in the Western Division had carnal knowledge of **RS** without her consent.

### **Second Count**

#### ***Statement of Offence***

**RAPE:** Contrary to Section 207 (2) (a) of the Crimes Decree No. 44 of 2009.

#### ***Particulars of Offence***

**Rohit Prasad**, on the 27<sup>th</sup> day of July 2011 at Barotu, Rakiraki in the Western Division had carnal knowledge of **RS** without her consent.

2. All three assessors unanimously found accused guilty of the above counts.
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. The victim said in her evidence that she was raped by the accused once in April 2011 and again on 27.7.2011. After each sexual intercourse, the accused had threatened the victim with death not to divulge the incident to anyone. The victim had gone to police station with the assistance of Mr. Vicky Rafiq who is an independent witness. Mr. Rafiq had seen the victim running towards the main road close to her house on 28.7.2011 around 9.00 a.m. Medical evidence supports that there was penetration to the vagina as the hymen is not intact.
6. The assessors have rejected the evidence of the accused and his witnesses. Considering the medical evidence and all other evidence available, I agree with their decision to reject the evidence of the accused and his witnesses.
7. 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 two counts of Rape.
8. Accordingly, I convict Rohit Prasad for two Rape counts under Section 207 (2) (a) of the Crimes Decree, 2009.
9. This is the Judgment of the Court.

Sudharshana De Silva

**JUDGE**

**At Lautoka  
20<sup>th</sup> March 2014**

**Solicitors : Office of the Director of Public Prosecutions for State  
Accused in Person**