

IN THE HIGH COURT OF FIJI

AT SUVA

CRIMINAL JURISDICTION

CRIMINAL CASE NO. HAC 300 OF 2012S

STATE

VS

- 1. SEREMAIA BAVAI**
- 2. PENI MURIVATU**
- 3. OVINI MOTUWALE**
- 4. JOELI RAVOUVOU**

Counsels : **Ms. P. Madanavosa and Ms. L. Latu for State**
Mr. J. Savou for Accused No. 1
Mr. M. Fesaitu for Accused No. 2
Ms. L. Raisua for Accused No. 3
Mr. E. Koroi for Accused No. 4

Hearings : **24 and 25 March, 2014**

Ruling : **25 March, 2014**

RULING ON NO CASE TO ANSWER

1. The prosecution has closed her case, after calling the complainant.

2. The complainant gave evidence on oath. She said, she consented to having sexual intercourse with all accuseds, at the material time.
3. The law at this stage of the proceeding is Section 231(1) of the Criminal Procedure Decree 2009, which reads as follows:

(1) When the evidence of the witnesses for the prosecution has been concluded, and after hearing (if necessary) any arguments which the prosecution or the defence may desire to submit, the court shall record a finding of not guilty if it considers that there is no evidence that the accused person (or any one of several accused) committed the offence.
4. The complainant said, on oath that, she consented to having sexual intercourse with all accuseds, at the material time.
5. Given the above, I find all accuseds Not Guilty as charged and I acquit them accordingly.
6. Assessors thanked and released.

Salesi Temo

JUDGE

Solicitor for the State	:	Office of the Director of Public Prosecutions, Suva.
Solicitor for Accused No. 1, 2 & 3	:	Legal Aid Commission, Suva.
Solicitor for Accused No. 4	:	Mr. E. Koroi, Barrister & Solicitor, Suva.