

IN THE HIGH COURT OF FIJI  
AT SUVA  
CRIMINAL JURISDICTION

CRIMINAL CASE NO.: HAC 212 of 2012

BETWEEN: THE STATE COMPLAINANT

A N D: "A" ACCUSED

Counsel : Ms. Vavadakua A. for the State  
: Mr. Tawake P. for the Accused

Hearing : 22<sup>nd</sup>, 23<sup>rd</sup> and 24<sup>th</sup> April 2014

Summing Up : 25<sup>th</sup> April 2014

Judgment : 25<sup>th</sup> April 2014

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**JUDGMENT**

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1. A, you are been charged with the following count.

First Count  
*Statement of Offence*

**RAPE:** Contrary to section 207 (1) and (2) (a) (b) of the Crimes  
Decree 44 of 2009.

*Particulars of Offence*

'A' on the 18<sup>th</sup> day of June, 2012 at Serua in the Central Division inserted his fingers into the vagina of 4 year old A.R. without her consent.

2. After a full trial, the three assessors have returned with the unanimous opinion of 'Guilty' to the above charge.
3. Having considered the entirety of evidence, especially the evidence given by the victim, coupled with the testimony of the doctor who examined her after the alleged sexual act, this court is pretty much convinced that the complainant Ms. A.R., being a 6 year old girl even now, narrated the truth.
4. Nevertheless, the testimony of Ms. A R.'s mother is full of contradictions and improbabilities. Her evidence does not shed any light to the prosecution case.
5. On the other hand, you admitted the presence of Ms. A.R. on the bed at the material time, even though in a different context. Your wife, had not seen this episode at all.
6. In the light of the above, this court concurs with the unanimous opinion of the assessors and finds you 'Guilty' to the count of 'Rape' as charged.
7. You are convicted accordingly.
8. That is the Judgment of court.



A handwritten signature in black ink, consisting of a large, stylized 'J' and 'B' intertwined.

Janaka Bandara  
Judge

**At Suva**

Office of the Director of Prosecution for State  
Office of the Legal Aid Commission for the Accused