IN THE HIGH COURT OF FIJI AT SUVA

CRIMINAL JURISDICTION CRIMINAL CASE NO.: HAC 114 of 2012

<u>BETWEEN:</u>	THE	E STATE	<u>COMPLAINANT</u>
<u>AND</u> :	MO	HAMMED MUSTAFA HAKIM	<u>ACCUSED</u>
Counsel	:	Mr. Nath with Ms. W. Elo for the State Mr. Fesaitu for the Accused	
Hearing	:	5th and 6 th February 2014	
Summing Up	:	7 th February 2014	
Judgment	:	7 th February 2014	

JUDGMENT

1. Mohammed Mustafa Hakim you have been charged with the following offence:

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

Particulars of Offence

MOHAMMED MUSTAFA HAKIM on the 10th day of March, 2012, at Mana Street, Narere in the Central Division had carnal knowledge of **YASMIN NISHA**, without her consent.

- 2. The three assessors returned with mixed opinions. Assessor No. 2 and Assessor No. 3 found the accused NOT GUILTY for the count of Rape. Assessor No. 1 opined that the accused is guilty as charged.
- 3. The majority of assessors have not accepted the prosecution version to be 'sure' for them to believe. In delivering the Judgment of court, I reviewed the evidence tendered during the trial by both parties.
- 4. I direct myself in accordance with my own Summing Up and accept the opinion of the majority of assessors.
- 5. I find the accused 'NOT GUILTY' as charged and acquit the accused accordingly.
- 6. That is the judgment of the Court.

Janaka Bandara JUDGE

At Suva

Solicitors

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