

**IN THE HIGH COURT OF FIJI**  
**AT SUVA**  
**CRIMINAL JURISDICTION.**

**Criminal Case No. HAC 342 of 2011**

**BETWEEN**

**STATE**

**AND**

**RONALD CHAND**

**Counsel:** Ms S. Kant for the State

Mr. S. Waqainabete (L.A.C.) with Ms T. Kean for the Accused

**Dates of hearing:** 10 to 12 June 2014  
**Date of judgment:** 12 June 2014

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**JUDGMENT**

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**RONALD CHAND**, you have been charged with the following offences:

**FIRST COUNT*****Statement of Offence***

**ABDUCTION OF PERSON UNDER THE AGE OF 18 YEARS WITH INTENT TO HAVE CARNAL KNOWLEDGE:** Contrary to section 211 (1) of the Crimes Decree No. 44 of 2009.

***Particulars of Offence***

**RONALD CHAND**, between the 30<sup>th</sup> day of September 2011 to the 10<sup>th</sup> day of October 2011 at Makoi in the Central Division with intent to unlawfully and carnally know KARTIKA CHANDRA a girl under the age of 18 years took her out of the possession and against the will of her mother.

**SECOND COUNT*****Statement of Offence***

**RAPE:** Contrary to section 207(1) and (2)(a) of the Crimes Decree No. 44 of 2009.

***Particulars of Offence***

**RONALD CHAND**, on the 3<sup>rd</sup> day of October 2011 at Navua in the Central Division had carnal knowledge of KARTIKA CHANDRA without her consent.

**THIRD COUNT*****Statement of Offence***

**RAPE:** Contrary to section 207 (1) and (2)(a) of the Crimes Decree No. 44 of 2009.

***Particulars of Offence***

**RONALD CHAND**, on the 8<sup>th</sup> day of October 2011 at Lomolomo, Nadi in the Western Division had carnal knowledge of KARTIKA CHANDRA without her consent.

2. In the unanimous opinion of three assessors, you have been found guilty of each of these three charges. I have reviewed the evidence, directed myself on my own summing up and I come to the following judgment of the Court.
3. The evidence for the prosecution came principally from the complainant Miss K. Miss K told the Court that she had been taken from her place of work by the accused with her consent, early on the morning of 30 September 2011. It was agreed that she go with him to meet his mother in Navua. I find that he knew that she was under the age of 18 and I find that there is no evidence that he had the consent of her parents to take her. There is no evidence that he took her for the purposes of carnal knowledge nor when he had her alone in the next day or so at Navua did he even try to have sexual intercourse with her according to her evidence. There being no evidence (direct or circumstantial) that he intended to have carnal knowledge of her, the first count must fail and I therefore find him not guilty and he is acquitted on that count accordingly.
4. The evidence on the two rape counts from the complainant is implausible. The circumstances surrounding what she says was her captivity are not borne out by other evidence. I do not believe she was kept locked in a room for at least 5 days; I do not believe her reasons for not talking to her mother or the Police when she was given the opportunity to do so. There were many occasions when she could have alerted others to her predicament or even escape if the situation was as she described it.
5. In that the complainant lacked credibility on many matters, I cannot be sure that her evidence of the two episodes of rape as she describes them can be true. In the premises therefore, there is no proof of the matters

beyond reasonable doubt and I must find him not guilty on both counts of rape.

6. I reject the opinions of the assessors and the accused is acquitted and discharged on each count.
7. That is the judgment of the Court.



At Suva  
12 June, 2014

A handwritten signature in black ink, which appears to read "P. K. Madigan". The signature is written in a cursive style with a large, sweeping initial "P".

**P. K. Madigan.**  
**Judge**