

IN THE HIGH COURT OF FIJI
AT LAUTOKA
CRIMINAL JURISDICTION

CRIMINAL CASE NO.: HAC 48 OF 2012

STATE

-v-

EREMASI TASOVA

Counsels : Mr. S. Babitu for the State

The accused in person

Date of Trial : 6 May 2014-8 May 2014

Date of Summing Up : 8 May 2014

Date of Judgment : 9 May 2014

JUDGMENT

1. The Accused is charged under following counts:

FIRST COUNT

Statement of Offence

AGGRAVATED ROBBERY: Contrary to Section 311 (1) (a) of the Crimes Decree, No. 44 of 2009.

Particulars of Offence

EREMASI TASOVA, LAISENIA VULUMA and JOLAME VUNITURAGA on the 12th day of March, 2012 at Lautoka in the Western Division robbed **JACKSON BHAI** and **SARWAN SINGH** of 10 cartons of assorted cigarettes valued at \$29,943.10, \$2,010.60 cash, \$359.80 cheque, Nokia mobile phone valued at \$400.00 all to the total value of \$32,713.50, property of British American Tobacco Company and at the time of robbery did use personal violence on the said **JACKSON BHAI** and **SARWAN SINGH**.

SECOND COUNT
Statement of Offence

AGGRAVATED ROBBERY: Contrary to Section 311 (1) (a) of the Crimes Decree, No. 44 of 2009.

Particulars of Offence

EREMASI TASOVA, LAISENIA VULUMA and JOLAME VUNITURAGA on the 12th day of March, 2012 at Lautoka in the Western Division robbed **JACKSON BHAI** of Nokia mobile phone valued at \$100.00 and cash of \$120.00 all to the total value of \$220.00 and at the time of such robbery did use personal violence on the said **JACKSON BHAI**.

THIRD COUNT
Statement of Offence

THEFT OF MOTOR VEHICLE: Contrary to Section 291 (1) of the Crimes Decree, No. 44 of 2009.

Particulars of Offence

EREMASI TASOVA, LAISENIA VULUMA and JOLAME VUNITURAGA on the 12th day of March, 2012 at Lautoka in the Western Division, stole a Hyundai H1 motor vehicle registration number: FW 722, valued at \$89,000.00, the property of British American Tobacco Company.

FOURTH COUNT
Statement of Offence

RESISTING ARREST: Contrary to Section 277 (b) of the Crimes Decree, No. 44 of 2009.

Particulars of Offence

EREMASI TASOVA on the 14th day of March, 2012 at Lautoka in the Western Division, resisted **Detective Constable No. 3952 Senitiki Nakatasavu**, a police officer whilst effecting arrest in due execution of his duty.

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 lay witnesses Jackson Bhai had identified the accused as the person who robbed his vehicle. This evidence is confirmed by independent witness Suliasi. There was positive identification and they both said that the next day they pointed out the accused to police from album of photos.
6. The accused had admitted the offence in his caution interview. I have already ruled that it is admissible in the Voir-dire inquiry.
7. The assessors have rejected the evidence of the accused and his witnesses. Considering the available evidence, I agree with their decision to reject the evidence of the accused and his witnesses.
8. 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 Aggravated Robbery, one count of Theft of a Motor vehicle and one count of Resisting arrest.
9. Accordingly I convict Eremasi Tasova for two counts of Aggravated Robbery under Sections 311 (1) of the Crimes Decree, 2009, one count of theft of Motor vehicle under Section 291 (1) of the Crimes Decree, 2009 and one count of Resisting Arrest under Section 277 (b) of the Crimes Decree, 2009.
10. This is the Judgment of the Court.




Sudharshana De Silva
JUDGE

At Lautoka
09th May 2014

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