

IN THE HIGH COURT OF FIJI

AT SUVA

CRIMINAL JURISDICTION

CRIMINAL CASE NO. HAC 160 OF 2013S

STATE

VS

TOMASI RATUKANA

Counsel : Mr. S. Nath and Ms. S. Lodia for State
 : Ms. N. Nawasaitoga for Accused

Hearings : 18 and 19 September, 2014

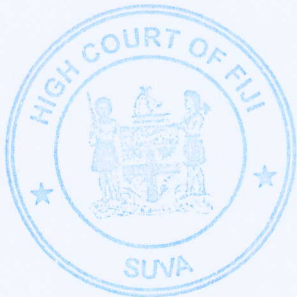
Summing Up : 22 September, 2014

Judgment : 22 September, 2014

JUDGMENT

1. The assessors have returned with a unanimous not guilty verdict for the accused on the charge of rape.
2. Obviously, the assessors have rejected the prosecution's version of events. They have found that the prosecution had not proven its case beyond a reasonable doubt.
3. I have reviewed the evidence called in this trial.
4. I have directed myself in accordance with the Summing Up I gave the assessors today.
5. In my view, the assessors' verdict was not perverse. It was open to them to reach such conclusion on the evidence.

6. Assessors are there to assist the trial judge come to a conclusion on the guilt or otherwise of the accused.
7. In my view, I accept the three assessors' not guilty verdict on the charge against the accused. I find the prosecution had not proven its case against the accused beyond a reasonable doubt. I have a lot of doubts on whether or not the accused is guilty as charged and the benefit of that doubt must go to the accused.
8. Consequently, I agree with the three assessors. I find the accused not guilty as charged and I acquit him accordingly.
9. You are free to go home.
10. Assessors thanked and released.



Salesi Temo
JUDGE

Solicitor for the State
Solicitor for the Accused

:
:

Office of the Director of Public Prosecution, Suva.
Legal Aid Commission, Suva.