

**IN THE HIGH COURT OF FIJI**  
**AT LAUTOKA**  
**CRIMINAL JURISDICTION**

**CRIMINAL CASE NO.: HAC 176 OF 2012**

STATE

-v-

RAJENDRA

**Counsels** : Mr. S. Babitu for the State  
Ms. C. Choy for the Accused

**Date of Trial** : 01 October 2014 - 02 October 2014

**Date of Summing Up** : 03 October 2014

**Date of Judgment** : 03 October 2014

**JUDGMENT**

1. The Accused is charged under following count:

**COUNT 1**

***Statement of Offence***

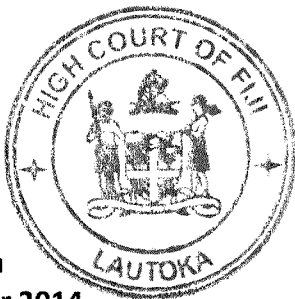
**Murder:** Contrary to Section 237 of the Crimes Decree No. 44 of 2009.

***Particulars of Offence***

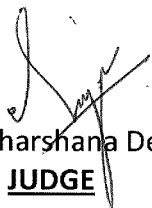
**RAJENDRA** alias **BAKA** on the 9<sup>th</sup> day of December 2012 at **Lautoka** in the **WESTERN DIVISION** recklessly murdered **NANCY SHOBINA PILLAY**.

2. The three assessors unanimously found accused Guilty of the count against him.
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. Prosecution case was based on the evidence of the Doctor who conducted the Post Mortem, lay witness Ganeshwar and the police officers who recorded the caution interview of the accused and the charge statement. Doctor stated that the injury in the chest cannot be self-inflicted. I accept that version. Accused had admitted stabbing the deceased in his caution interview and the charge statement. I am convinced that the accused was reckless as to the causing of the death of the deceased at that time.
6. I reject the version of accused that the deceased inflicted this injury herself. The defence version is highly improbable and inconsistent.
7. I am satisfied that evidence is sufficient to establish the guilt of the accused beyond reasonable doubt.
8. In my view, the assessor's verdicts were not perverse. It was open for them to reach such conclusion on the evidence. I concur with the verdict of the assessors.
9. I find accused Guilty as charged on the count of Murder contrary to Section 237 of the Crimes Decree and convict him for the count against him.
10. This is the Judgment of the Court.



At Lautoka  
3<sup>rd</sup> October 2014

  
Sudharshana De Silva  
**JUDGE**

**Solicitors: Office of the Director of Public Prosecution for State  
Legal Aid Commission for Accused**