

IN THE HIGH COURT OF FIJI
AT LAUTOKA
CRIMINAL JURISDICTION

CRIMINAL CASE NO.: 35 OF 2009

STATE

-v-

ASESELA ROKODREU

Counsels : Ms. L. Latu for the State
1st Accused in person

Date of Trial : 13 October 2014 to 17 October 2014

Date of Summing Up : 17 October 2014

Date of Judgment : 17 October 2014

JUDGMENT

1. The Accused is charged under following counts:

FIRST COUNT

Statement of Offence

ROBBERY WITH VIOLENCE: Contrary to Section 293 (1) (b) of the Penal Code, Cap 17.

Particulars of Offence

Asesela Rokodreu, Amena Dela and Dwayne Hicks on the 19th day of March 2009 at Ba in the Western Division robbed **Azaad Chandra Prakash** f/n Ghirau of one

Inkk Mobile phone valued \$49.99, assorted jewelleries valued at \$6,500.00 and cash of \$1,000.00 of Fijian and overseas currencies to the total value of \$7,549.99 and immediately before the said robbery did use personal violence on the said **Azaad Chandra Prakash** f/n Ghirau.

SECOND COUNT

Statement of Offence

ROBBERY WITH VIOLENCE: Contrary to Section 293 (2) of the Penal Code, Cap 17.

Particulars of Offence

Asesela Rokodreu, Amena Dela and Dwayne Hicks on the 19th day of March 2009 at Ba in the Western Division robbed **Alini Prakash** of assorted liquor valued at \$5,000.00, assorted jewelleries valued at \$28,800.00, 12 pairs of canvas valued at \$2,000.00, cash \$3,700.00 of Fijian and overseas currencies and assorted liquor valued at \$5,000.00 all to the total value of \$39,500.00 and immediately before the said robbery did use personal violence on the said **Alini Prakash**.

THIRD COUNT

Statement of Offence

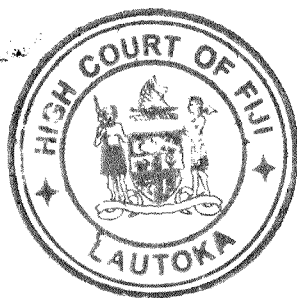
UNLAWFUL USE OF MOTOR VEHICLE: Contrary to Section 292 of the Penal Code, Cap 17.

Particulars of Offence

Asesela Rokodreu, Amena Dela and Dwayne Hicks on the 19th day of March 2009 at Ba in the Western Division unlawfully and without color of right but not so to be guilty of stealing took for their own use motor vehicle registration number DS 983, the property of **Arvind Chandra Prakash** f/n Azaad Chandra Prakash.

2. The three assessors unanimously found 1st 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 in respect of the 1st accused.

5. Prosecution case was based on the evidence of the complainant's family who gave evidence about the robbery with violence at their house. The 1st accused was arrested by Police following day while he was drinking with a group. Bag full of jewelries stolen from the complainant's house was recovered from him. The complainants positively identified these jewelries, the jewelry box and the wrist watch. Only inescapable and irresistible inference that could be drawn is that the 1st accused was involved in the robbery. The accused took an alibi. There is no notice of alibi given in this case. The assessors have rejected the evidence of the accused and witness called by him. I agree with that finding and reject the defence evidence as untrue.
6. In my view, the assessor's verdicts were not perverse. It was open for them to reach such conclusions on the evidence.
7. In this case, the assessor's verdict is not binding on me. However, on careful assessment of the case, I am prepared to accept their unanimous Guilty verdict on the 1st accused.
8. I accept the assessor's verdict and I find that the prosecution has proven its case against the 1st accused beyond reasonable doubt in respect of the counts.
9. I find the 1st accused Guilty as charged on two counts of Robbery with violence contrary to Section 293 (1) (b) of the Penal Code and one count of Unlawful Use of Motor Vehicle contrary to section 292 of the Penal Code and convict him of the said counts.
10. This is the Judgment of the Court.




Sudharshana De Silva
JUDGE

At Lautoka
17 October 2014

Solicitors: Office of the Director of Public Prosecution
The 1st Accused in person