

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

**CRIMINAL CASE NO. HAC 99 OF 2014**

STATE

-v-

**RAJENDRA GOUNDAR**

**Counsels** : Ms. L. Latu for the State  
The accused in person

**Date of Trial** : 19 January 2015 to 20 January 2015

**Date of Summing Up** : 21 January 2015

**Date of Judgment** : 21 January 2015

(Name of the victim is suppressed. She will be referred to as VPG)

**JUDGMENT**

1. The Accused is charged under following counts:

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

**SEXUAL ASSAULT:** Contrary to Section 210 (1) (a) of the Crimes Decree No. 44 of 2009.

**Particulars of Offence**

**RAJENDRA GOUNDER**, on the 20<sup>th</sup> day of July 2014 at Colase, Rakiraki, in the Western Division, had unlawfully and indecently assaulted **VPG**.

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

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

### **Particulars of Offence**

**RAJENDRA GOUNDER**, on the 20<sup>th</sup> day of July 2014 at Colase, Rakiraki, in the Western Division, penetrated the vagina of **VPG**, with his finger, 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.

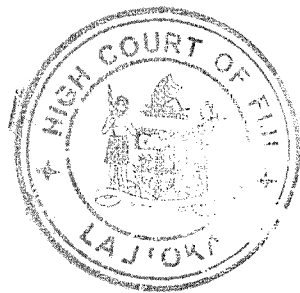
### **Particulars of Offence**

**RAJENDRA GOUNDER**, on the 20<sup>th</sup> day of July 2014 at Colase, Rakiraki, in the Western Division, had carnal knowledge of **VPG**, without her consent.

2. The three assessors unanimously found accused Guilty of all three 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 all three counts.
5. Prosecution case was based on the complainant's evidence. She was 14 years old at the time of the incident. Accused had taken the complainant through a shortcut in a jungle area and had sexually abused and raped her. She had ran to neighbor Mala's house and made a call to mother. When mother came she had immediately informed her and the matter was reported to police. The medical evidence is consistent and confirms the complainant's evidence.
6. I observed her giving evidence in court. The three assessors have accepted her evidence beyond reasonable doubt. I agree with their opinion.
7. The assessors have rejected the version of the accused. I agree with that opinion.
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 one charge of Sexual Assault and two charges of Rape.

9. Accordingly, I convict Rajendra Gounder for one charge of Sexual Assault contrary to Section 210 (1) (a) of the Crimes Decree and two Rape charges under Sections 207 (2) (b) and (a) of the Crimes Decree, 2009.

10. This is the Judgment of the Court.



  
Sudharshana De Silva  
**JUDGE**

At Lautoka  
21<sup>st</sup> January 2015

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