

IN THE HIGH COURT OF FIJI

AT LABASA

CRIMINAL JURISDICTION

CRIMINAL CASE NO: HAC 053 OF 2013LAB

STATE

V

SAIMONE COLAINIMA

**Counsels : Ms. A. Vavadakua for State
Ms. L. Raisua for Accused**

Hearings : 17 and 18 August, 2015

Summing Up : 19 August, 2015

Judgment : 19 August, 2015

JUDGMENT

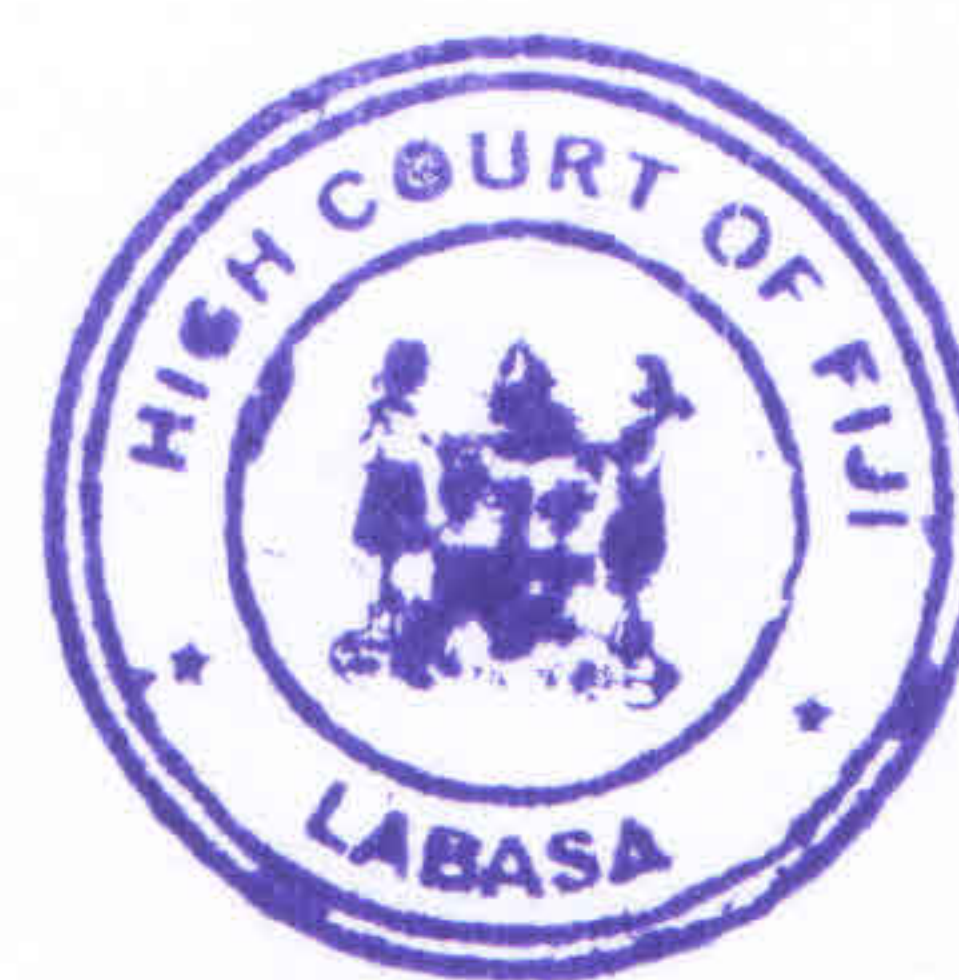
1. The assessors have returned with a unanimous not guilty verdict on the accused. They had found the accused not guilty of raping the complainant between 1 to 30 June 2013 at Naweni Village, in the Northern Division.

2. Obviously, the three assessors had not accepted the prosecution's version of event. They had found that the prosecution had not proven their case beyond a reasonable doubt.
3. I had reviewed the evidence called in the trial and I have directed myself in accordance with the summing up I gave the assessors today
4. The decision of the three assessors was not perverse. It was open to them to reach such conclusion on the evidence.
5. Assessors are there to assist the trial judge come to a decision on the guilt or otherwise of the accused. I have heard the complainant's evidence. I have heard the accused's evidence. In my view, when looking at both witnesses' evidence, I am left with a reasonable doubt as to the accused's guilt. The benefit of that doubt must go to the accused. For that reason, I agree with the unanimous not guilty verdict of the three assessors.
6. Given the above, I find the accused not guilty of rape and I acquit him accordingly.
7. Assessors thanked and released.



Salesi Temo

JUDGE



Solicitor for the State : Office of the Director of Public Prosecution, Labasa
Solicitor for the Accused : Office of the Legal Aid Commission, Labasa