

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

**Criminal Case No. HAC 162 of 2013**

**STATE**

**V**

**KANEA NAUA**

Counsel: Ms P. Madanavosa for the State.  
Ms M. Tarai (L.A.C.) for the accused.

Dates of trial: 18, 19 February 2015.

Date of Judgment: 20 February 2015.

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**JUDGMENT**

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Kanea Naua you have been charged with the following two offences:

**FIRST COUNT**

***Statement of Offence***

**SEXUAL ASSAULT:** Contrary to section 210 (1)(a) of  
the Crimes Decree 44 of 2009.

***Particulars of Offence***

**Kanea Naua** between the 1<sup>st</sup> day of January and the 31<sup>st</sup> of December 2010 at Valelevu, in the Central Division unlawfully and indecently assaulted XXXXX.

**SECOND COUNT**

***Statement of Offence***

**RAPE:** Contrary to section 207 (1) and (2) (b) and (3) of the Crimes Decree 44 of 2009.

***Particulars of Offence***

**Kanea Naua** between the 1<sup>st</sup> day of January and the 31<sup>st</sup> day of December 2010 at Valelevu, in the Central Division had inserted his finger into the vagina of XXX an 8 year old child.

2. It is the unanimous opinion of three assessors that you are guilty of both Counts.
  
3. The evidence against you came from the girl Doreen (not her real name) who was aged 7 years at the time. She was the daughter of your neighbor and related to you through your late wife. On the date in question she came to your house for water and you took the opportunity to molest her and subject her to at least one act of digital rape. She now being 12 years old gave clear, and convincing evidence of those horrific events and she was unshaken by cross-examination. You had admitted these acts in an interview under caution which was before the assessors and they clearly did not believe your evidence that the answers were fabricated.
  
4. I have directed myself on my own summing up and I agree with the opinions of the assessors. I find the accused guilty of both counts and I convict him accordingly.

5. That is the judgment of the Court.



At Suva

20 February, 2015

**P.K. Madigan**  
**Judge**