

IN THE HIGH COURT OF FIJI

AT SUVA

CRIMINAL JURISDICTION

CRIMINAL CASE NO. HAC 174 OF 2014S

STATE

vs

JEKESONI VULI

Counsels : **Mr. T. Qalinauci for State**
Ms. L. Rasua for Accused

Hearings : **8, 9, 10 and 11 February, 2016**

Summing Up : **12 February, 2016**

Judgment : **12 February, 2016**

JUDGMENT

1. The assessors had returned with a mixed verdict. Assessor No. 1 and 2 (majority) had found the accused guilty as charged; while Assessor No. 3 found accused not guilty as charged.
2. I have reviewed the evidence called in the trial and I have directed myself in accordance with the Summing Up I gave the assessors today.
3. Obviously, the majority had accepted the prosecution's version of events, while the minority had rejected the same.
4. The assessors' verdict was not perverse. It was open to them to reach such conclusions on the evidence.

5. Assessors are there to assist the trial judge come to a decision on the guilt or otherwise of the accused. On the evidence and assessing the credibility of the witnesses, I agree with the majority of the assessors and reject the minority view.
6. I find all the prosecution's witnesses as credible witnesses and I accept their evidence. I accept that the complainant (PW2) was attacked at the material time and his properties stolen. I accept the caution interview officer's (PW3) and the witnessing officer's (PW4) evidence. I accept that the accused voluntarily gave his confession to the police at the material time and they were the truth.
7. Given the above, I accept the majority view of the assessors and find the accused guilty as charged and I convict him accordingly.
8. Assessors thanked and released.




Salesi Temo
JUDGE

Solicitor for the State : **Office of the Director of Public Prosecution, Suva.**
Solicitor for Accused : **Legal Aid Commission, Suva.**