

IN THE HIGH COURT OF FIJI

AT SUVA

CRIMINAL JURISDICTION

CRIMINAL CASE NO. HAC 379 OF 2013S

STATE

vs

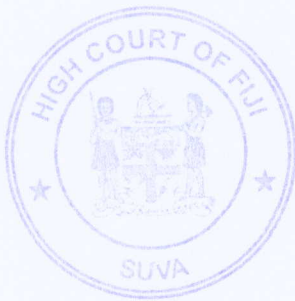
NIZAM ALI KHAN

Counsels	:	Ms. S. Puamau and Ms. B. Kantharia for State Ms. P. Lal for the Accused
Hearings	:	29, 30 and 31 March, 2016
Summing Up	:	1 April, 2016
Judgment	:	1 April, 2016

JUDGMENT

1. The three assessors had returned with a unanimous verdict finding the accused guilty as charged on all counts.
2. Obviously, the three assessors had accepted the prosecution's version of events. That meant they had accepted the two complainants' evidence and version of events. That also meant they had rejected the accused's sworn denials.
3. 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.
4. The assessors' verdict 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 conclusion on the guilt or otherwise of the accused. In this case, I have listened to all the witnesses and the different version of events of the parties. I agree with the three assessors and the position they took. I accept the two child complainants as credible witnesses and I accept their version of events. I reject the accused's sworn denials. He was not credible as a witness.
6. Given the above, I find the accused guilty as charged on all counts and I convict him on those counts.
7. Assessors thanked and released.




Salesi Temo
JUDGE

Solicitor for the State
Solicitor for Accused

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Office of the Director of Public Prosecution, Suva
Legal Aid Commission, Suva.