

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

**Criminal Case No. HAC 08 of 2015**

**STATE**

**V**

**ETUATE DREDUADUA**

**Counsels:** Mr. L. Fotiofili for the State  
Accused in person

**Date of Summing Up** : 26 May 2016  
**Date of Judgment** : 26 May 2016

**JUDGMENT**

[1] The accused has been tried in this Court on the following count:

***Statement of Offence***

**UNLAWFUL CULTIVATION OF ILLICIT DRUGS:**

Contrary to section 5 (a) of the Illicit Drugs  
Control Act 2004.



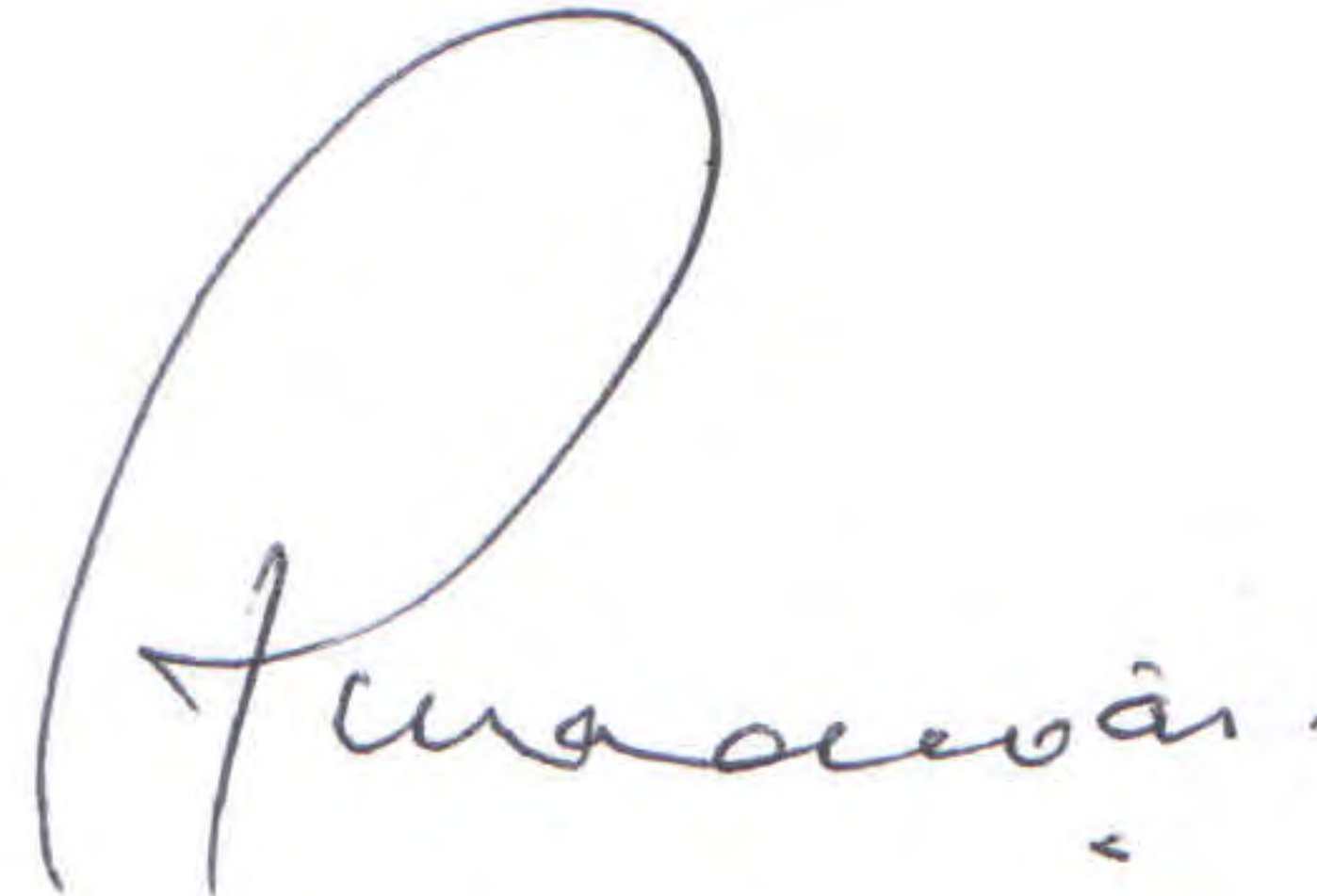
### ***Particulars of Offence***

**ETUARTE DREDUADUA** between the 1<sup>st</sup> day of December 2014 to the 6<sup>th</sup> day of January 2015 at Savusavu in the Northern Division, without lawful authority cultivated illicit drugs namely Cannabis Sativa with the total weight of 10 kilograms.

- [2] The two assessors returned with unanimous opinions of guilty to the count. The Court agreed with the assessors, found the accused guilty and convicted him accordingly.
- [3] A young (20 years) nephew was the first prosecution witness. He said he was looking after the accused's two houses while the accused was away from the village. He was awoken in the early morning of the relevant date by a party of Police coming to search the accused's houses and surrounds. He let the Police into both of the accused's houses and he told them of a plantation some few hundred metres away where the accused was cultivating marijuana. He led the party to that plantation where they uprooted and seized 41 plants suspected to be marijuana.
- [4] Police witnesses told of the plantation and the seizure.
- [5] A Senior Government Chemist analyzed the seizures and found them to be 10kg of cannabis sativa.
- [6] The accused gave evidence which amounted to no more than an overall denial of knowledge of the plants and an accusation that his nephew had been brainwashed by the Police.



- [7] Although the accused was not present at the village on the date of the raid, the circumstantial evidence that he was the cultivator was overwhelming. Seeds and small plants were found in one of his houses, the nephew knew of the plants and was sure that they were being cultivated by the accused.
- [8] Although the accused does not have to prove anything, his evidence provided nothing that would lead me to doubt the strength of the prosecution case.
- [9] I find that the prosecution has proved their case beyond reasonable doubt and I find the accused guilty and convict him of the count.
- [10] That is the Judgment of the Court.



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



At Labasa  
26 May 2016