

IN THE HIGH COURT OF FIJI

AT SUVA

CRIMINAL JURISDICTION

CRIMINAL CASE NO. HAC 019 OF 2016S

STATE

VS

EPARAMA NAGALU

Counsels : Ms. S. Tivao for State
Mr. A. K. Singh for Accused

Hearings : 7, 8 and 9 June, 2017

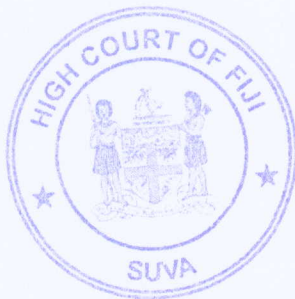
Summing Up : 12 June, 2017

Judgment : 12 June, 2017

JUDGMENT

1. The assessors had returned with a unanimous not guilty verdict against the accused on both counts.
2. Obviously, the assessors had not accepted the prosecution's version of events. It appeared they had not accepted PW7 and PW8's identification evidence. It also appeared they had rejected the prosecution's circumstantial evidence.
3. The assessors are there to assist the trial judge come to a decision on whether or not the accused was guilty as charged on both counts.
4. The assessors' verdict was not perverse. It was open to them to reach such conclusion on the evidence. In my view, in this case, I must take on board the assessors' opinion.

5. In my view, the identification evidence and the circumstantial evidence are not strong enough to prove beyond reasonable doubt that the accused was guilty as charged. There is a reasonable doubt that the accused committed the offences.
6. Given the above, I accept the three assessors' unanimous opinion and I find the accused not guilty as charged on both counts. The prosecution needs to tighten up on their identification evidence. I find the accused not guilty as charged on both counts and I acquit him accordingly on both counts.




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JUDGE

Solicitor for State : **Office of the Director of Public Prosecution, Suva.**
Solicitor for Accused : **A. K. Singh, Barrister and Solicitor, Suva.**