

IN THE HIGH COURT OF FIJI

AT SUVA

CRIMINAL JURISDICTION

CRIMINAL CASE NO. HAC 163 OF 2014 LTK

STATE

vs

MOHAMMED YASIN

Counsels	:	Ms. L. Latu and Ms. S. Naibe for State Ms. V. Narara and Mr. S. Kumar for Accused
Hearings	:	9, 11, 12, 13 and 16 October 2017
Summing Up	:	17 October 2017
Judgment	:	17 October 2017

JUDGMENT

1. The three assessors had returned with a unanimous opinion finding the accused guilty of murdering his wife on 16 November 2014.
2. Obviously, the assessors had accepted the prosecution's version of events. It appeared they had also accepted the prosecution's witnesses' evidence as credible. They had rejected the accused's argument that he was acting in self-defence when he stabbed his wife on the neck to death.
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' opinions were 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 decision on whether or not the accused was guilty as charged.
6. On the evidence, and on my analysis of the witnesses' credibility, I agree with the three assessors' opinion and I accept them.
7. I accept that the accused voluntarily confessed to stabbing his wife to death on 16 November 2014 when he was caution interviewed and formally charged by police. I accept that his above confessions were true. I also accept Doctor James Kalougivaki's evidence and the post mortem report he prepared and tendered in evidence. He said, the deceased died of excessive loss of blood as a result of the stab injuries the accused inflicted on her on 16 November 2014.
8. I also accept and find as a matter of fact that the accused was unhappy about his wife's extramarital affairs and when he stabbed her, at the material time, he did so with an intent to kill her. Also, he was reckless when he stabbed her to death on 16 November 2014.
9. I find the prosecution had proven all the 3 elements of murder against the accused and given the above, I find the accused guilty as charged. I accept all the prosecution's witnesses' evidence, as I find them credible.
10. Assessors thanked and released.




Salesi Temo
JUDGE

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