

IN THE HIGH COURT OF FIJI

AT SUVA

CRIMINAL JURISDICTION

LAUTOKA CRIMINAL CASE NO. HAC 091 OF 2015L

STATE

vs

VENKTESH PERMAL GOUNDAR

**Counsels : Mr. Y. Prasad and Ms. S. Kiran for State
Mr. M. A. Khand for Accused**

Hearing : 19, 20 and 21 March, 2018

Summing Up : 22 March, 2018

Judgment : 22 March, 2018

JUDGMENT

1. The three assessors had returned with a unanimous opinion finding the accused guilty as charged.
2. Obviously, the three assessors had accepted the prosecution's version of events and evidence. It also meant they had accepted the evidence of the five prosecution's witnesses who gave evidence in this case.
3. I have reviewed the evidence called in this case and I have directed myself in accordance with the summing up I gave the assessors today.

4. The three assessors' opinion 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 decision on whether or not the accused was guilty as charged. Assessors represent the public and it is only right and proper that their view be respected and followed.
6. I, like the assessors, find all the five prosecution's witnesses evidence credible and I accept them. I accept PW1 and PW2's evidence. Especially PW1, I accept her evidence that she saw the accused set his wife alight at the material time.
7. I also accept the accused's confession that he set his wife alight at the material time. I find that he voluntarily and out of his own free will gave his caution interview statement and I find his confession true.
8. As to the pathologist's (PW3) evidence, I accept her evidence as to the deceased's cause of death, as shown in the post mortem report and in her verbal evidence.
9. On the whole evidence, I find the accused intended to cause his wife's death and was also reckless in causing the same.
10. I accept the three assessors' opinion. I find the accused guilty as charged and convict him accordingly.
11. Assessors thanked and released.



A handwritten signature in blue ink, appearing to be "Salesi Temo".

Salesi Temo
JUDGE

Solicitor for State : **Office of the Director of Public Prosecution, Lautoka**
Solicitor for Accused : **Mr. M. A. Khan, Barristers and Solicitor, Suva.**