

**IN THE HIGH COURT OF FIJI**

**AT LABASA**

**CRIMINAL JURISDICTION**

**CRIMINAL CASE NO: HAC 076 OF 2018LAB**

**STATE**

**V**

**SAIYAD ALI**

**Counsels : Ms. A. Vavadakua for State  
Ms. K. Boseiwaqa and Mr. J. Prasad for Accused**

**Hearings : 16, 17 December, 2019**

**Summing Up : 18 December, 2019**

**Judgment : 18 December, 2019**

---

## **JUDGMENT**

---

1. The two assessors had returned with a unanimous opinion that the accused was guilty as charged.
2. Obviously they had accepted the prosecution's version of events. This means that they had accepted the prosecution's witnesses' evidence. It also meant they had rejected the accused's sworn denials.
3. I had reviewed the evidence called in the trial and I had directed myself in accordance with the summing up I gave the assessors today.

4. Assessors are there to assist the trial judge come to a decision of whether or not the accused was guilty as charged. The assessors represent the public and their opinions must be treated with respect.
5. In my view, after listening to all the witnesses from the prosecution and the defence, including the prosecution's exhibits, I am persuaded to accept the prosecution's version of events. I accept PW1's evidence. In my view, the accused voluntarily and out of his own free will confessed to the crime of arson. I reject his denials. He was a very evasive witness and I thus find his version of events not credible.
6. Like the assessors, I accept that he gave his confessions freely to PW1 and they were the truth. He made no complains to the Magistrate Court or High Court when he first appeared before them.
7. I accept the two assessors' guilty opinion and I find the accused guilty as charged. I convict him accordingly of the crime of arson.
8. Assessors thanked and released.



  
Salesi Temo  
JUDGE

**Solicitor for the State** : **Office of the Director of Public Prosecution, Labasa**  
**Solicitor for the Accused** : **Office of the Legal Aid commission, Labasa**