

IN THE HIGH COURT OF FIJI
AT LAUTOKA
[CRIMINAL JURISDICTION]

High Court Criminal Case No. HAC 137 of 2015

BETWEEN : STATE

AND : DAYA PRASAD

Counsel : Ms Naibe for the State
Ms S. Khan and Mr Z. Khan for the Accused

Dates of Hearing : 25 and 26 March 2019

Closing Speeches : 26 March 2019

Date of Summing up: 28 March 2019

SUMMING UP

Madam and gentlemen assessors,

1. I must now sum up the case to you. You must then retire to consider your opinion. I will direct you on the law that applies. You must accept those directions I give you on matters of law. You are to decide the facts of the case,

based on the evidence that has been led before this court. You will then apply those directions to the facts and give me your opinions as to whether the Accused person is guilty or not guilty in respect of each count.

2. You are bound by the directions I give you as to the law. But you are not obliged to accept any opinion I may express or appear to have expressed while going through evidence. If you do not agree with that opinion you will ignore it and form your own opinion with that evidence.
3. You must base your opinion only and only on the evidence given by the witnesses. But a few things that you heard in this court are not evidence. Opening submission, closing submissions, statements, arguments and comments made by the counsel and this summing up are not evidence. I must say that the purpose of the closing speech is to outline the evidence that each party rely on to fall in line with their respective arguments. It is not an exercise to introduce new evidence or to give evidence from bar table. If you heard any new information which you did not hear in the evidence given by the witnesses in this case, you must disregard such information.
4. A personal experience of a counsel mentioned in a speech is not evidence in this case. We all may have gone through our own difficult times or unpleasant experiences, but that's not evidence in this case. What happened in another case or how someone did that case, however much it may appear similar, is not evidence in this case. A counsel's perception about the subsequent conduct of the Accused, mentioned during closing submissions is not evidence. The Accused in this case did not give evidence and you must not consider things which were said by the counsel from the bar table, about how the Accused feels, thinks or about the Accused's problems. You must disregard whatever the counsel may have said about the character of the Accused during closing submissions as that is not admissible evidence.

5. You may act only upon the evidence given by the witnesses in this case and nothing else. But you may consider those submissions and arguments only as a guidance to understand the case put forward by each party when you evaluate evidence and the extent to which you do so is entirely a matter for you.
6. If you have acquired any knowledge about the facts of this case outside this court room, you must exclude that information from your consideration. Make sure that external influences play no part in forming your opinion. You will also not let any sympathy or prejudice sway your opinions. Emotions has no role to play in this process and do not let anger, sympathy, prejudice or any other emotion shroud the evidence presented in this court room. You only have to consider the evidence adduced in respect of each element of the offences. You must not form your opinion based on the emotions, sympathies, prejudices, speculations and morality. As I said before you only have to consider the evidence given by the witnesses in this case and nothing else to form your opinion.
7. I will give you only a summary of evidence. I will not go through every word uttered by the witnesses in this case, and if I leave out something that seems to be important, nothing stops you from taking that into account. Because you decide the facts.
8. After this summing up, you may give your individual opinions as the representatives of the community. You may reject or accept any evidence in forming your opinion. Your opinions need not be unanimous. And you need not give reasons for your opinions.
9. Your opinions will assist me in giving my judgement. I will give the greatest weight to your opinions in my judgement. However, I am not bound to conform to your opinions.

Madam and gentlemen assessors,

10. I will now mention some considerations that may assist you in evaluating evidence. As I said before you may reject the whole evidence of a witness, accept the entirety or even accept only a part of a witness's evidence and may reject the rest. You have to decide whether a witness has spoken the truth or correctly recalled the facts to narrated them.
11. You have seen the demeanour of the witnesses and how they gave evidence in court. You have seen whether they were forthright or evasive in giving evidence. But you may also bear in mind that some witnesses have good memory, some may not remember every detail and it is also likely that some may perceive the same incident differently and narrate differently. You have to use your common sense in assessing the reliability and credibility of witnesses. Remember, that many witnesses are not comfortable in giving evidence in a court room, they may act in anxiety and get distracted in this environment.
12. Generally, complainants of sexual offences react differently when they got to narrate the traumatic experience they have gone through. Some may display obvious signs of distress, anxiety and restlessness, but some may not. Every witness has their own way of expressions when they give evidence about an experience, specially a traumatic one. Conversely, it does not follow that signs of distress by the witness confirms the truth and accuracy of the evidence given. In other words, demeanour in court is not necessarily a clue to the truth of the witness's account. It all depends on the character and personality of the individual concerned.
13. Subsequent conduct of complainants of sexual offences can vary from person to person. Some, in distress, shame or anger, may complain to the first person they see. Some may react instantly and report because of their education level, social status, financial independency and for other similar reasons. Some may not complain at once due to lack of education, social status and financial

dependency. There could be others, who react with shame, fear, shock or confusion, may not complain at once. A complainant's reluctance to report an incident could be due to many reasons. It could be social stigma which follows such incidents or cultural taboos in her society. Some may not even complain at all due to the fear that it may damage family ties. A complainant may not be comfortable to report a matter to close family members due to the respect, fear, or due to the reluctance to openly discuss matters relating to sex with elders.

14. A late complaint does not necessarily signify a false complaint. Similarly, an immediate complaint does not necessarily demonstrate a true complaint. It is a matter for you to decide what weight should be attached to the promptness or the lateness of the complaint.

15. Another consideration may be; has the witness said something different at an earlier time or whether he or she is consistent in his or her evidence? In assessing credibility of the testimony of a witness on consistency means to consider whether it differs from what has been said by the same witness on another occasion. Obviously, the reliability of a witness who says one thing one moment and something different the next, about the same matter is called into question.

16. In weighing the effect of such an inconsistency or discrepancy, consider whether there is a satisfactory explanation for it. For example, might it result from an innocent error such as faulty recollection; or else could there be an intentional falsehood. Be aware of such discrepancies or inconsistencies and, where you find them, carefully evaluate the testimony in the light of other evidence. Credibility concerns honesty. Reliability may be different. A witness may be honest enough but have a poor memory or otherwise be mistaken.

17. Does the evidence of a particular witness seem reliable when compared with other evidence you accept? Did the witness seem to have a good memory? You may also consider the ability, and the opportunity, the witness had to see, hear,

or to know the things that the witness testified about. These are only examples. You may well think that other general considerations assist. It is, as I have said, up to you how you assess the evidence and what weight, if any, you give to a witness's testimony or to an exhibit.

18. I must now explain to you, how to use that credible and reliable evidence. These are directions of the applicable law. You must follow these directions.
19. When you have decided the truthfulness and reliability of evidence, then you can use that credible evidence to determine the questions of facts, which you have to decide in order to reach your final conclusion, whether the Accused is guilty or not. I have used the term "*question of fact*". A question of fact is generally understood as what actually had taken place among conflicting versions. It should be decided upon the primary facts or circumstances as revealed from evidence before you and of any legitimate inference which could be drawn from those given sets of circumstances. You as assessors, in determining a question of fact, should utilise your common sense and wide experience which you have acquired living in this society.
20. It is not necessary to decide every disputed issue of fact. It may not be possible to do so. There are often loose ends. Your task is to decide whether the prosecution has proved the elements of the offence charged.
21. In determining questions of fact, the evidence could be used in the following way. There are two concepts involved here. Firstly, the concept of Primary facts and secondly the concept of inferences drawn from those primary facts. Let me further explain this to you. Some evidence may directly prove a thing. A person who saw, or heard, or did something, may have told you about that from the witness box. Those facts are called primary facts.
22. But in addition to facts directly proved by the evidence or primary facts, you may also draw inferences - that is, deductions or conclusions - from the set of primary facts which you find to be established by the evidence. If you are satisfied that a certain thing happened, it may be right to infer that something

else also occurred. That will be the process of drawing an inference from facts. However, you may only draw reasonable inferences; and your inferences must be based on facts you find proved by evidence. There must be a logical and rational connection between the facts you find and your deductions or conclusions. You are not to indulge in intuition or in guessing.

23. In order to illustrate this direction, I will give you an example. Imagine that when you walked into this Court room this afternoon, you saw a particular person seated on the back bench. Now he is not there. You did not see him going out. The fact you saw him seated there when you came in and the fact that he is not there now are two primary facts. On these two primary facts, you can reasonably infer that he must have gone out although you have not seen that. I think with that you will understand the relationship between primary facts and inferences that could be drawn from them.

24. According to the law the prosecution must prove its case beyond reasonable doubt. For the prosecution to discharge its burden of proving the guilt of the Accused, it is required to prove beyond reasonable doubt that he is guilty. The burden of proof remains on the prosecution throughout the trial. For this purpose, the prosecution must prove every element of the offences beyond reasonable doubt.

25. The Accused need not prove his innocence. The fact that the Accused did not give evidence does not imply any burden upon him to prove his innocence. It is not his task to prove his innocence. The burden is on the prosecution to prove the guilt of the Accused. That means you must be satisfied that the state has proved every element of the offence beyond reasonable doubt. That doubt should be a reasonable one and if you are left with a reasonable doubt you must find the Accused not guilty. If you are not left with any such doubt and if you are sure that the prosecution proved every element of the offences you must find him guilty.

Madam and gentlemen assessors,

26. We will now look at the offences that the Accused is indicted for. There are three counts of rape and two counts of indecent assault in the Information filed by the Director of Public Prosecutions as follows;

First Count

Statement of Offence

INDECENT ASSAULT: Contrary to Section 212 (1) of the Crimes Act 44 of 2009.

Particulars of Offence

DAYA PRASAD between the 1st day of August, 2014 and the 31st day of August, 2014 at Nadi in the Western Division, unlawfully and indecently, assaulted SHAYAL SHIVANGINI LATA.

Second Count

Statement of Offence

RAPE: Contrary to Section 207 (1) and (2) (a) of the Crimes Act 44 of 2009.

Particulars of Offence

DAYA PRASAD between the 27th day of September, 2014 at Nadi in the Western Division, penetrated the vagina of SHAYAL SHIVANGINI LATA, with his penis, without her consent.

Third Count

Statement of Offence

RAPE: Contrary to Section 207 (1) and (2) (a) of the Crimes Act 44 of 2009.

Particulars of Offence

DAYA PRASAD on the 10th day of October, 2014 at Nadi in the Western Division, penetrated the vagina of SHAYAL SHIVANGINI LATA, with his penis, without her consent.

Fourth Count

Statement of Offence

RAPE: Contrary to Section 207 (1) and (2) (a) of the Crimes Act 44 of 2009.

Particulars of Offence

DAYA PRASAD on the 18th day of October, 2014 at Nadi in the Western Division, penetrated the vagina of SHAYAL SHIVANGINI LATA, with his penis, without her consent.

Fifth Count

Statement of Offence

INDECENT ASSAULT: Contrary to Section 212 (1) of the Crimes Act 44 of 2009.

Particulars of Offence

DAYA PRASAD on the 20th day of November, 2014 at Nadi in the Western Division, unlawfully and indecently, assaulted SHAYAL SHIVANGINI LATA.

25. You should consider each count separately. You must not assume that the Accused is guilty of the other counts just because you find him guilty to one count.
26. I will first explain what matters you must take into consideration to determine whether the offence of rape is proved by the prosecution. The prosecution must prove the following elements beyond reasonable doubt;
- a. the Accused;
 - b. penetrated the vagina of the complainant with his penis;
 - c. without the consent of the complainant; and
 - d. the Accused knew or believed that the complaint was not consenting; or the Accused was reckless as to whether or not she was consenting.

27. The first element is concerned with the identity of the person who committed the offence. The prosecution should prove beyond reasonable doubt that the Accused and no one else committed the offence.
28. The second element involves the penetration of the complainant's vagina with the penis. The law states that even the slightest penetration of the vagina is sufficient to constitute the offence of rape. Therefore, it is not necessary to have evidence of full penetration or ejaculation. The prosecution must prove beyond reasonable doubt that the Accused penetrated the vagina of the complainant with his penis to any extent.
29. The third and the fourth elements are based on the issue of consent. To prove the third element of the offence of rape, the prosecution should prove that the Accused penetrated the complainant's vagina without her consent.
30. Consent is a state of mind which can take many forms from willing enthusiasm to reluctant agreement. For the offence of rape, the complainant consents only, if she had the freedom and capacity to voluntarily make a choice and express that choice freely. Consent obtained through force, threat or intimidation, fear of bodily harm, or by use of authority is not considered as consent given freely and voluntarily. Submission without physical resistance by the complainant alone, to the act of the other person will not constitute consent.
31. The complainant must have the freedom to make the choice. It means she must not have pressured or forced to make that choice. The complainant must have mental and physical capacity to make that choice. Further, the consent given by the complainant may have been limited to a particular sexual activity and not for another sexual activity. Also, the consent can be withdrawn at any time. It is an ongoing state of mind its revocable once given. Consent of a person for sexual intercourse cannot be assumed.
32. In addition to proving that the complainant did not consent to the Accused to insert his penis into her vagina, the prosecution should also prove that, either

the Accused knew or believed that the complainant was not consenting; or the Accused was reckless as to whether or not the complainant was consenting. This is the fourth element of the offence of rape.

33. The Accused was reckless, if the Accused realised there was a risk that she was not consenting and having regard to those circumstances known to him it was unjustifiable for him to take the risk and penetrate the vagina, you may find that the Accused was reckless as to whether or not the complainant was consenting. In other words, you have to see whether the Accused did not care whether the complainant was consenting or not. Determination of this issue is dependent upon who you believe, whilst bearing in mind that it is the prosecution who must prove it beyond any reasonable doubt.

27. The first and the fifth counts are indecent assault. To prove the offence of indecent assault, the prosecution must prove the following elements beyond reasonable doubt;

- a) the Accused;
- b) unlawfully assaulted the complainant; and
- c) the said assault was indecent.

28. The first element involves the identity of the Accused who committed the offence. The prosecution should prove beyond reasonable doubt that it was the Accused who committed each offence.

29. Assault is the use of unlawful force. A touch constitutes an assault if it is done without a lawful excuse. The word "unlawfully" simply means without lawful excuse.

30. An assault is indecent, if it has some element of indecency and a right-minded person would consider such conduct indecent.

31. If you believe that the prosecution proved the relevant elements in respect of each offence you may find the Accused guilty for that offence or offences. Likewise, if you believe that the prosecution failed to prove the relevant elements of any offence you must find the Accused not guilty for that offence or offences.

Madam and gentlemen assessors,

32. Now I will refresh your memory and give a brief outline of the evidence adduced in this case. However, you should consider the entirety of the evidence adduced in this case when forming your opinions. The prosecution called two witnesses to prove the case against the Accused.

33. The first prosecution witness was the complainant in this case. Shayala Shivangini Lata said that in 2014 she was residing in Yako with her mother, father and grandfather. She said she has two sisters. She was 16 years old at that time and she was schooling at Korovutu College.

34. According to the evidence given by the complainant, in August 2014 during the second school holidays she was learning to drive from the Accused. She said the Accused's name is Daya and he is her uncle as well as her neighbour. She identified the Accused in court as the person she referred to as Daya, her uncle.

35. The complainant said that when she was learning to drive the Accused started to touch her thighs over her cloths while driving. She also said that he squeezed her breasts. She said that she didn't like it, but the Accused told her not to tell anyone about it. However according to her evidence, she has reported the incident to her mother. Her mother had not believed her as he is part of the family.

36. That's the evidence given by the complainant in respect of the first count.

37. She also gave evidence regarding an incident which happened on the 27 September 2014. She was told by her mother to deliver some food to the Accused's place. She said that she didn't want to go, but her mother forced her to go. The complainant said when she took the food the Accused came outside and had told her to come inside. She said he locked the grill door and forced her to his room. The Accused had forcefully taken off her clothes, including her panty and bra. He had pushed her on the bed and had come on top of her. She said he tried to kiss her and she had started moving her head. She said that she kept on shouting, but no one could hear her as there was loud music played at the Accused's house. The complainant said that the Accused separated her legs with his legs while holding her hands tightly with his hands.

38. She gave evidence that he inserted his penis into her vagina. She said that she didn't like it. She said that she called for help by shouting, but no one could hear her. She also said she was blank at that moment and she didn't know for how long he did it. She had been shocked. She said that she did not expect that from her uncle.

39. The complainant said that the Accused forced her to go and have a shower. When she saw the blood on her thigh and on the bed sheet she said she was shocked. She also said that it is hard to explain how she felt. The complainant said that the Accused threatened her not to tell anything to anyone and otherwise it would not be good. The complainant said that she didn't tell her mother as she did not believe her before.

40. That was her evidence regarding the second count.

41. The complainant gave evidence in respect of another incident happened on 10 October 2014. She said she went to the Accused's place with her mother to make some sweets. Her mother had to go back home leaving the complainant at the Accused's place as the mother needed something. The Accused had then locked the grill and had grabbed her to the sitting room. She said he played a sex movie and told her to watch it. The complainant said that the Accused held

her tight and forced her to watch the movie. The Accused had then grabbed her to his room. She said that the Accused took off her clothes and his clothes. She said she didn't like it.

42. The Accused had then placed his mouth on her vagina. The complainant said that he was holding her hands with his hands. The complainant had shouted for help. She said no one could hear her as the music was loud.

43. The complainant said that the Accused then inserted his penis into her vagina. She said that she didn't like it. She said it was painful. She said she tried to push him and she bit his arm. According to the complainant her mother had come after about 2 hours and she had not told her as the mother did not believe her at first. She also said that the Accused told her not to say anything to anyone "otherwise it won't be good".

44. That was the complainant's evidence regarding the third count.

45. The complainant gave evidence regarding an incident which took place on 18 October 2014. She said that her mother asked her to take some sweets to Sigatoka with the Accused. When she said that she cannot go, her father had told her to go. She said that she went with the Accused in his van. After dinner when they were returning the Accused had stopped the vehicle. She said that the Accused took a torch and checked around with the torch. Then he had asked her to come to the back of the van. When she refused he had grabbed her. She said that he tried to kiss her, and she had kept on moving her head. She said that she didn't like it. The Accused had taken off her clothes.

46. The complainant said the Accused inserted his penis into her vagina. She said she tried push him. She said he over powered her. She said he held her tight. She said that she tried to shout but there was no one around. She said that the incident happened inside the van.

47. The complainant said that she didn't tell anyone about it as she thought no one would believe her.

48. That was her evidence regarding the fourth count.

49. The complainant narrated another incident which took place on 20 November 2014. She said her mother requested the Accused to exchange a packet of milk which they bought from MH in Nadi. When her mother requested her to accompany the Accused she had refused. However, she said that she had taken her sister, Salochana with her as she was going to work. She said they went and exchanged the milk and dropped her sister. Then her mother had called her and had informed that her other sister Shoral is coming to pick her. She said the van was parked at Nadi Hotel and she was sitting at the back seat.

50. The complainant said that the Accused came and started touching her. She said that the Accused touched her thighs and breasts. She said that he held her hands when she tried to stop him. She said she didn't like it and the Accused continued to touch her thighs and breasts until her sister came. The complainant said that she didn't tell her sister what the Accused did to her as she got angry for the clothes that the complainant was wearing. She said she was wearing what she used to wear at home.

51. The complainant said that in December 2014 she told about these incidents to her sister. She said then she reported it to the police on the new year in 2015.

52. In cross examination the complainant was asked whether she mentioned in her statement that her mother was having an affair with the Accused. The complainant confirmed the same and said yes, when she was asked whether she felt hurt or angry. It was suggested to the complainant that she had a boyfriend and she had a sexual relationship with him, which she denied. But according to the law past sexual history of the complainant with any other person other than the Accused is not relevant in sexual offences. Therefore, you should not regard the evidence or questions relating to the past sexual history of the complainant.

53. Under cross examination the complainant said that she had to take food to the Accused as her mother verbally forced her to take the food. She denied that she is lying. When she was told that her father demanded the Accused to pay \$ 15000, the complainant said it's a lie. She said they never asked the Accused to pay money.
54. The complainant was asked as to why no one had seen what happened inside the van. She said that the van has curtains right around. She denied that her aunty was in the van when she went to Sigatoka.
55. It was suggested to the complainant that she is behind a screen because she is lying. She denied that she is lying.
56. I must tell you that screens are placed between the witnesses and the Accused persons when the court considers that it is necessary to minimize stress to the witnesses. While giving the Accused a fair trial, the court has to protect the interests of vulnerable witnesses who have gone through trauma and unpleasant experiences as well. That is the purpose of placing a screen.
57. The second prosecution witness was a sister of the complainant. Shoral Shireen Lata gave evidence that in the month of December 2014 the complainant told her about what happened to her. She said that when her mother came to talk about reconciliation with her father, she saw the Accused was driving around her place in his van. The witness said after her mother left she noticed that the complainant was a bit upset. She said that the complainant didn't want to have dinner and she didn't talk much. The complainant had been residing at her sister's place at that time. According to the evidence given by the witness, the complainant had been scared that the Accused will come back as he found her sister's house. Upon seeing that the complainant was crying the witness had asked her for the reason.
58. The witness, Shoral Shireen Lata gave evidence on what she was told by the complainant. She gave evidence about the incidents relayed to her by the

complainant. She confirmed that the complainant told her about the Accused and what he did to her. The witness identified the Accused as her uncle, Daya.

59. At this point I must explain to you what a recent complaint is. The complainant's sister said that the complainant told her what has happened to her. In cases of sexual offences, the evidence given by a witness of what he or she was told by a complainant is generally considered as recent complaint evidence. The evidence of recent complaint is not adduced to corroborate the details of the alleged incidents by the Accused, nor it is evidence of facts complained of. It only goes to the consistency of the conduct of the complainant with her evidence given at the trial. It is not evidence that proves what has happened between the Accused and the complainant. But it only enhances the credibility of the complainant and you can use it to decide whether the complainant gave credible evidence.

60. Further it should be noted that recent complaint evidence is not hearsay evidence. Generally, witnesses are only allowed to give evidence on what they saw, heard or felt by their physical senses only. They are not allowed to speak of a story told by a third person who is not called as a witness. Such evidence is called hearsay evidence. However, evidence of recent complaint is not hearsay. Therefore, evidence of recent complaint is considered as admissible evidence.

61. Further the prosecution witness, Shoral Shireen Lata said that upon hearing what she was told by the complainant she informed her mother and father about it. However only her father had come to discuss, and her mother had not come. She said that the complainant wanted to report the matter to the police and they went and reported to Nadi police station, about what the complainant had gone through.

62. Under cross examination the witness said that her father believed the complainant and he came to report the matter. When she was asked whether

she knew that her mother was having an affair with the Accused, the witness said that she is not sure as she never witnessed it. She denied that they demanded money from the Accused.

63. That was the case for the prosecution.

64. After the closure of the prosecution case the Accused was explained his rights. You must bear in mind that although those options were given, still the burden is on the prosecution to prove the guilt of the Accused and he need not prove his innocence. The Accused opted to remain silent and no witnesses were called for the defence.

Madam and gentlemen assessors,

65. It should be noted that in our law no corroboration is needed to prove a sexual offence. Corroborative evidence is independent evidence that supplements and strengthens evidence already presented as proof of a factual matter or matters. In other words, the prosecution can solely rely on the evidence of the complainant only without any supporting evidence whatsoever in sexual offences. It is for you to decide how credible and consistent is the evidence of the complainant.

66. It is the prerogative of the prosecution to decide, what witnesses and what evidence they will rely upon. You should make your opinion on the evidence adduced in this court room and you are not to speculate about what would have been said by a person who was not called as a witness.

67. The prosecution case was that the Accused indecently assaulted the complainant in two separate occasions and he penetrated the vagina of the complainant without her consent in three separate occasions.

68. The complainant explained the delay in reporting the matter. The second prosecution witness testified as to how the allegations came to light. It is for you to decide whether the prosecution evidence is reliable.
69. The Accused opted to remain silent. I must remind you that you must not draw any adverse inference from the fact that the Accused remained silent. It is his right.
70. However, the position of the defence as per the line of cross examination was that the complainant made a false allegation and the complainant demanded money from the Accused. It was suggested that the complainant reported the matter as the Accused refused to pay that money.
71. As it was said before, it is the duty of the prosecution to prove the elements of each offence against the Accused. The Accused need not prove his innocence.
72. I have now given you the directions of law and summarized the evidence adduced in this case. Before I conclude my summing up let me remind you some points again.
73. If you believe that the prosecution has proved beyond reasonable doubt the elements of rape in respect of the second, third and fourth counts and the elements of indecent assault in respect of first and fifth counts, you may find the Accused guilty to respective counts.
74. If not, you must find the Accused not guilty.
75. Finding the Accused guilty to one or a few counts does not automatically make him guilty for the other count or counts. You must consider relevant evidence separately for each count when arriving at your opinion.
76. If you have a reasonable doubt in respect of any count, then you must find the Accused not guilty to that count or counts.

77. Your possible opinions are;

Count 1 indecent assault-	guilty or not guilty
Count 2 rape -	guilty or not guilty
Count 3 rape-	guilty or not guilty
Count 4 rape -	guilty or not guilty
Count 5 indecent assault -	guilty or not guilty

78. You may now retire and consider your opinions. Before you do so, may I ask the counsel of both parties whether you wish to request any redirections?

79. When you are ready with your opinions, the Court will reconvene for you to inform your opinions to court.



Rangajeewa Wimalasena
Acting Judge

Solicitors

Solicitors for the State : Office of the Director of Public Prosecutions

Solicitors for the Accused: Messrs Iqbal Khan & Associates