

IN THE HIGH COURT OF FIJI AT LABASA

CASE NO: HAC. 18 of 2019

[CRIMINAL JURISDICTION]

STATE

V

PATERASIO TIMOCI RADUADUA

Counsel : Mr. I. Rakaria for the State
Mr. J. Korotini for the Accused

Hearing on : 16 September 2019

Summing up on : 16 September 2019

Judgment on : 16 September 2019

JUDGMENT

1. The accused is charged with the following offence;

Statement of Offence


Rape: contrary to section 207 (1) and (2)(a) of the Crimes Act of 2009.

Particulars of Offence

PATERASIO TIMOCI RADUADUA on 11 March 2019, at Taveuni in the Northern Division, penetrated the vagina of **VIRISINE VASITI** with his penis without her consent.

2. The assessors have returned with the unanimous opinion that the accused is not guilty of the above count.

3. I direct myself in accordance with the summing up delivered to the assessors this day and the evidence adduced during the trial.
4. The complainant was the only witness for the prosecution. The accused gave evidence in his defence.
5. Having considered all the evidence led in this case and the demeanour and the deportment of the complainant and the accused, there is a doubt in my mind as to whether the version given by the complainant is true. In my judgment, the accused was a credible witness.
6. Therefore, I agree with the unanimous opinion of the assessors and I find the accused not guilty of the above charge.
7. The accused is acquitted accordingly.


Vinsent S. Perera
JUDGE

Solicitors:

**Office of the Director of Public Prosecutions for State
Legal Aid Commission for the Accused**

