#### IN THE HIGH COURT OF FIJI

#### **AT SUVA**

### [CRIMINAL JURISDICTION]

## CRIMINAL CASE NO. HAC 299 OF 2018

**BETWEEN** 

STATE

**AND** 

:

JAMES ASHWIN RAJ

Counsel

.

Ms U Tamanikaiyaroi for the State

Mr K Chang & Ms M Singh for the Accused

**Date of Hearing** 

27 & 28 January 2020

**Date of Summing Up:** 

29 January 2020

**Date Judgment** 

30 January 2020

# **JUDGMENT**

[1] After deliberating the assessors have unanimously found the Accused guilty of aggravated robbery. The assessors have accepted the complainant's evidence as true and his identification of the Accused reliable. The complainant's account is that on the early hours of 3 February 2018 the Accused in company of three boys approached him while he was walking along Omkar Road in Narere and snatched his mobile phone and handbag containing \$30.00 cash from his hand and fled the scene. He knew the Accused as they are from the same neighbourhood.

[2] In his defence the Accused relied upon his alibi, that is, he was asleep at his home in Narere at the time of the alleged crime and that the complainant was mistaken about the identification of the Accused. The Accused's mother and brother gave evidence in

support of his alibi but they cannot be certain that the Accused was at home in the early hours of 3 February 2018 as they were all asleep in different rooms. I do not believe the alibi is true.

- [3] I believe the account of the complainant. He struck me as an honest and reliable witness. I believe his account that the Accused in company of others approached him and snatched his property from his hand and fled the scene. His identification of the Accused is not mistaken but accurate.
- [4] I feel sure that the Accused in company of others stole the complainant's property using force. The prosecution has proved the charge beyond reasonable doubt.
- [5] The Accused is convicted of aggravated robbery as charged.

SUVA SUVA

Hon. Mr Justice Daniel Goundar

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

Legal Aid Commission for the Accused