

IN THE HIGH COURT OF FIJI
AT SUVA
CRIMINAL JURISDICTION
CRIMINAL CASE NO. HAC 021 OF 2019S

STATE
Vs
SALACIELI RATUMAIDRAVUWALU

Counsels : **Ms. K. Semisi for State**
Mr. J. Korotini for Accused
Hearings : **2, 3, 4 and 5 June, 2020.**
Summing Up : **8 June, 2020.**
Judgment : **8 June, 2020.**

JUDGMENT

1. The three assessors had returned with a unanimous opinion finding the accused guilty as charged on counts no. 1 and 3.
2. Obviously, the three assessors had accepted the prosecution's version of events. It also meant they had accepted the complainant's version of events on counts no. 1 and 3. They had accepted the complainant's evidence as credible on counts no. 1 and 3.

3. I have reviewed the evidence called in the trial and I had directed myself in accordance with the summing up I gave the assessors today.
4. The assessors' verdict 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 the guilt or otherwise of the accused, on the charges before the court. The assessors represent the public, and their views must be treated with respect.
6. Like the assessors, I had watched the complainant's demeanor in court and listened to her evidence. Yes, I agree with the defence that some of her evidence were inconsistent with what she told the police, but the inconsistencies were in relation to peripheral matters, not to the substance of the rape allegations.
7. The complainant described the rape allegations clearly. She described what the accused did to her as alleged in count no. 1 and 3. In my view, her evidence was credible, and thus I accept the same. It was hard for her to come and give evidence in court, but she went through the ordeal carefully and persuasively.
8. Given the above, I accept the three assessors' unanimous opinion and find the accused guilty as charged on counts no. 1 and 3. I convict him accordingly on those counts.
9. Assessors thanked and released.



Solicitor for the State
Solicitor for the Accused

: **Office of the Director of Public Prosecution, Suva.**
: **Legal Aid Commission, Suva.**



Salesi Temo
JUDGE