

**IN THE HIGH COURT OF FIJI**

**AT SUVA**

**CRIMINAL JURISDICTION**

**CRIMINAL CASE NO. HAC 107 OF 2019S**

**STATE**

**Vs**

**MAKARIO NAQIOLEVU**

**Counsels : Mr. M. Vosawale for State  
Mr. I. Romanu for Accused**

**Hearing : 29 and 30 July, 2020.**

**Summing Up : 31 July, 2020.**

**Judgment : 31 July, 2020.**

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**JUDGMENT**

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1. The three assessors had returned with a unanimous opinion finding the accused guilty as charged on count no. 1.
2. Obviously, the three assessors had accepted the prosecution's evidence and version of events. It also meant that the assessors had accepted the complainant's (PW1) evidence and version of events.
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. Assessors are there to assist the trial judge come to a decision on whether or not the accused was guilty as charged. Assessors represent the public and their opinions must be treated with respect.
5. In my view, the assessors' opinion was not perverse. It was open to them to reach such conclusion on the evidence.
6. Like the assessors, I find that the complainant (PW1) was a credible witness and I accept her evidence and version of events. I accept the prosecution's version of events. I accept the three assessors' opinion on count no. 1 and I find the accused guilty as charged, and I convict him accordingly.
7. Assessors thanked and released.



  
**Salesi Temo**  
**JUDGE**

**Solicitor for the State** : **Office of the Director of Public Prosecution, Suva.**  
**Solicitor for the Accused** : **I. Romanu, Barrister & Solicitor, Suva.**