

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

**CRIMINAL CASE NO. HAC 58 OF 2018**

**BETWEEN** : **STATE**

**AND** : **JOELI RAVULALA**

*Counsel* : *Mr. A. Singh with Mr. R. Chand for the State*  
*Ms. V. Diroiroi for the Accused*

*Hearing on* : *17<sup>th</sup> & 18<sup>th</sup> of November 2020*

*Summing up on* : *24<sup>th</sup> of November 2020*

*Judgment on* : *12<sup>th</sup> February 2021*

## **JUDGMENT**

1. The accused, Joeli Ravulala is charged with a count of Rape, alleged as detailed below to have committed on Ulamila Solomi, who is distantly related to him as a sister-in-law.
2. The details of the offence that he was charged by the Director of Public Prosecutions are as follows;

### **COUNT**

#### ***Statement of Offence***

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

### ***Particulars of Offence***

Joeli Ravulala, on the 17<sup>th</sup> day of November 2017 at Yasawa Island, in the Western Division, penetrated the vagina of Ulamila Solomi, with his penis without her consent.

3. The accused pleaded not guilty to the charge and the ensuing trial lasted two days. The complainant Ulamila Solomi gave evidence for the prosecution while the accused gave evidence, on his behalf.
4. At the conclusion of the evidence and after the directions given in the summing up, the three assessors unanimously found the accused guilty to the alleged count of Rape.
5. I direct myself in accordance with the law and the evidence led in this case, inclusive of which I have discussed in my summing up to the assessors.
6. The sole witness to substantiate on the alleged incidents is the PW1, Ulamila Solomi. I am mindful that the law requires no corroboration. Therefore it can be acted on the evidence of a sole witness. However, if we are to rely on a sole witnesses' evidence we must be extremely cautious of the credibility and the dependability of such evidence.

### **Analysis**

7. It is admitted by the Accused that he had sexual intercourse with the complainant on the alleged day. Therefore, the only question is whether it was done with her consent or not.
8. As far as consent of the PW1 is concerned it is her word against the word of the accused. When compared the two witnesses, complainants evidence had far less inconsistencies and much more credible and convincing, whereas, the accused's evidence was much inconsistent inter se and per se.
9. The complainant on the issue whether she told her husband on the same day of the alleged incident is acceptable as it is apparent that he was aware of the

incident by the time the accused went to the complainants house to seek forgiveness. There is nothing to indicate that the complainant's husband came to know of the alleged incident through some other source than the complainant herself. If there happened to be consensual sexual intercourse, it is unlikely than not the complainant relaying the incident to her husband.

10. The version of events relied upon by the defence fails create any doubt in the prosecution case. Therefore the prosecution has successfully established the absence of consent by the complainant and thereby proven the guilt of the accused beyond reasonable doubt.
11. In my view, the prosecution has proven their case beyond reasonable doubt and assessors were correct in finding the accused 'guilty'. Therefore, I agree and concur with the unanimous opinion of the assessors. I confirm the opinion of the assessors and find the accused guilty of the alleged count of rape.
12. In result, I convict the accused of the alleged count of Rape.
13. This is the Judgment of the Court.



  
**Chamath S. Morais**  
**JUDGE**

*Solicitors for the State*

:

*Office of the Director of Public Prosecutions*

*Solicitors for the Accused*

:

*Legal Aid Commission, Lautoka*