

IN THE HIGH COURT OF FIJI
AT LAUTOKA
CRIMINAL JURISDICTION

CRIMINAL CASE NO. HAC 030 of 2018

STATE

V

RAVIN NATH

Counsel: Mr Babitu for the State
Ms Ali for the Accused

Date of Hearing: 05 and 06 January, 2021

Date of Summing Up: 07 January, 2021

Date of Summing Up: 08 January, 2021

JUDGMENT

1. The accused is charged with one count of Attempted Murder, contrary to Section 44 and 237 of the Crimes Act. The particulars of the offence are that;

Count One

Statement of Offence

ATTEMPTED MURDER: *Contrary to section 44 and 237 of the Crimes Act 2009.*

Particulars of Offence

RAVIN NATH, on the 26th January, 2018, at Lautoka in the Western Division attempted to murder NANISE RALULU TINAI.

2. The hearing commenced on the 5th of January 2021 and concluded on the 6th of January 2021. The prosecution presented the evidence of five witnesses, and the accused gave evidence for the defence. The learned counsel for the prosecution and the defence then made their respective closing addresses. I then delivered my summing up.
3. In their opinion, the three assessors unanimously found the accused guilty of the offence of attempted murder.
4. Having carefully considered the evidence presented by the parties, the closing addresses of the counsel, the summing up, and the assessors' opinion, I now pronounce my judgment as follows.
5. According to the evidence presented by the parties and the admitted facts, the prosecution alleges that the accused had struck the complainant on her legs, hands, and the shoulder with a cane knife causing her injuries as stated in the medical report. The accused did not deny the incident and assaulting her with a cane knife, but he claimed that he had no intention to kill her as the complainant provoked him. Due to the provocation, he lost his sense and did not know what he had done. The accused claims that he was a blackout and could only recall that he swung the cane knife at the complainant. Accordingly, the accused is relying on the defence of provocation.
6. The defence of provocation is not available for the offence of attempted murder. (*vide State v Samy [2019] FJSC 33; CAV0001.2012 (the 17th of May 2019)*).
7. Having considered the evidence that explains the nature of the injuries and how the accused had assaulted her with the cane knife, I am satisfied that the prosecution has proven beyond a reasonable doubt that the accused had committed this offence as

charged. I accordingly find no cogent reasons to disagree with the unanimous opinions of guilty given by the assessors.

8. In conclusion, I find the accused guilty of the offence of Attempted Murder, contrary to Section 44 and 237 of the Crimes Act and convict to the same accordingly.



R. D. R. T. Rajasinghe

JUDGE

Solicitors:

Office of the Director of Public Prosecutions for the State

Office of the Legal Aid Commission for the Accused