

IN THE HIGH COURT OF FIJI
AT LAUTOKA
CRIMINAL JURISDICTION

Criminal Case. No. HAC 192 of 2022

BETWEEN : **THE STATE**

A N D : **ISOA SAQASERE BAINIVALU**

Counsel : Mr. M. I. Rafiq for the State.
Ms. K. Kumar and Ms. L. Taukei for the
Accused.

Dates of Hearing : 01, 02, 04 and 05 July, 2024

Closing Submissions : 08 July, 2024


Date of Judgment : 08 July, 2024

Date of Order : 08 July, 2024

ORDER AFTER SPECIAL VERDICT

1. Today 8th July, 2024 by special verdict this court found the accused not guilty by reason of mental impairment for the offences of attempted murder, act with intent to cause grievous harm and serious assault.
2. Both counsel were asked to address the court under the provisions of the Mental Health Act as to the appropriate orders to be made. The state and the defence counsel submitted that in the interest of the community and the accused it is only proper that the accused be confined at the St. Giles Hospital.

3. From the evidence adduced and the submissions made by both counsel it is obvious to me that the accused needs professional help and treatment. The family members of the accused are in no position to provide the necessary and required supervision of the accused. The accused needs psychiatric treatment, drugs rehab and supervision. The causes of the relapses were due to the failure and/or neglect in the intake of medication by the accused.
4. In accordance with section 105(2) of the Criminal Procedure Act Mr. Bainivalu is to be confined in a mental hospital for safe custody until released under the Mental Health Act.
5. A copy of this order and the judgment delivered in this proceeding is to be served on the Medical Superintendent of the St. Giles Hospital.


Sunil Sharma
Judge



At Lautoka

08 July, 2024

Solicitors

Office of the Director of Public Prosecutions for the State.

Office of the Legal Aid Commission for the Accused.