

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

**CRIMINAL CASE NO. HAC 128 of 2023**

**BETWEEN** : **THE STATE**

**A N D** : **NISHAL NAVIN KUMAR**

**Counsel** : Ms. Cabemaiwai for the State.  
: Mr. Mudunaivalu for the Accused.

**Date of Hearing** : 10<sup>th</sup> December, 2024

**Date of Ruling** : 10<sup>th</sup> December, 2024

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**RULING**

[NO CASE TO ANSWER]

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1. The accused faces one count of rape contrary to section 207 (1) and (2) (a) of Crimes Act, 2009. This matter is for trial proper today. The state counsel offered no evidence in respect of the offence the accused is charged with.
2. The defence counsel made an application for no case to answer. The prosecution carries the burden to prove the accused guilty beyond reasonable doubt. There is no evidence against the accused as charged.

3. In the circumstances, this court rules that the accused has no case to answer and therefore this court has no option but to acquit the accused of the offence of rape as charged.
4. This is the judgment of the court.

  
**Sunil Sharma**  
**Judge**



**At Lautoka**

10<sup>th</sup> December, 2024

**Solicitors**

**Office of the Director of Public Prosecutions for the State.**

**Messrs Mudunaivalu Lawyers for the Accused.**