

Businessman Naidu Walks Free, Prosecution Files Nolle Prosequi



Defence lawyer Iqbal Khan with Narain Sami Naidu who was discharged of 10 counts of rape. Photo: Charles Chambers

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by YOGESH CHANDRA

A businessman, Narain Sami Naidu, charged with 10 counts of rape was discharged by High Court in Lautoka judge Sunil Sharma. This was after the prosecution filed a *Nolle Prosequi*(a formal notice of abandonment by a plaintiff or prosecutor of all or part of a suit.).

The businessman had lost his Australian permanent residency after the Australian High Commission was notified about the alleged rape charges.

Defence lawyer Iqbal Khan said the nolle prosequi followed declarations by the prosecution's two witnesses that they had allegedly given false information against Mr Naidu.

He would also be writing to the Commissioner of Police to conduct an investigation into a Police officer who allegedly lied under oath when he told the court that the accused had dual citizenship.

During the case, the Police officer gave evidence under oath that Mr Naidu had dual citizenship and as such it would be unsafe to grant bail.

Bail was initially refused by the court, but when it was proved he did not have dual citizenship bail was granted.

The rape allegations

The allegations were that on several occasions the accused forcefully had sex with a Khushboo Anand Sharma without her consent.

The incidents were alleged to have taken place between 2007 and 2015 at Kennedy Avenue in Nadi.

Ms Sharma's two witnesses gave their statements to the Police officer and alleged that the accused had raped and forcefully had sex with Ms Sharma.

One of the witnesses also alleged that the accused had also raped her.

Alleged false statements

One of the State witnesses claimed to have went to the Police and said in the statement she had given to the Police officer against Mr Naidu, it was alleged that Ms Sharma had instigated the allegations.

The witness at that time was employed by Ms Sharma.

This witness was then charged and convicted for giving false information to Police and the allegation against Mr Naidu for one count of rape was withdrawn.

On the eve of the trial, the other witness gave a statement to Police, alleging that the statement she had given to the Police officer was also false. She also alleged that she was instigated by Ms Sharma.

The witness was also an employee of Ms Sharma and told Police if she had not done so she would have lost her job.

The State prosecutor advised the court of the alleged false statements that were given by the two witnesses. A copy was shown to the Justice Sharma, who agreed with the State prosecutor that she should seek further instructions from the Director of Public Prosecutions (DPP).

Nolle Prosequi

The DPP thereafter filed a *Nolle Prosequi* against all the charges against Mr, Naidu.

Justice Sharma then discharged the accused on all 10 counts of rape.

Mr Naidu said he had suffered a lot over the past three years.

“I went through mental torture, stress and embarrassment,” he said.

Ms Sharma is presently facing forgery and deception charges which were pending at the Nadi Magistrate’s Court and which have been set for mention on September 19.

Mr Khan advised the High Court of fabrication, conspiracy and false statement of witnesses brought by the complainants and that had been proved false.

Mr Naidu has instructed Mr Khan to make representations to the Commissioner of Police to peruse his file, statement of Police witnesses and those Police officers who were allegedly involved in making false affidavit against Mr Naidu.

The High Court in Lautoka has also written to the Director Immigration to lift the travel ban imposed on Mr Naidu.

Justice Sharma has ordered that Naidu’s passport be returned, the \$10,000 cash deposit be refunded immediately, all bail conditions cancelled and his sureties be discharged.

Mr Naidu thanked the judiciary for setting him free.

Edited by Jonathan Bryce

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