

Last Updated: Friday, 16 September 2005, 15:52 GMT 16:52 UK

## Judge condemns CPS over rape case

**A man walked free from court after a judge branded a rape case against him a "travesty of justice".**

Judge Roger Sanders also accused the prosecution barrister of talking "utter rubbish" in the case of Levi Multilal, 22, of Watford, Herts.



Mr Multilal was accused of rape after finding the woman drunk on the streets of Harrow, north London.

But the judge said he should never have been charged as there was no forensic, medical or identification evidence.

Judge Sanders also said it was possible prosecution barrister Justin Bearman, who had advised the police and Crown Prosecution Service (CPS) to charge Mr Multilal, should pay the costs of the prosecution.

### 'Delight and relief'

His ruling signalled the end of nine months of "considerable stress and strain" for the defendant, the court was told.

As he left Harrow Crown Court Mr Multilal spoke of his "delight and relief" at the outcome and said he will take legal advice on whether to take any further action.

His ordeal began when he responded to a Crimewatch appeal for witnesses to the attack but this resulted in his arrest and subsequent charge.

In his application for the matter to be dismissed, defence barrister David Hughes hit out at the CPS's apparent policy of "well, a complainant said it happened and therefore there is a case that goes to the jury."

But the case was so flawed a jury could never "properly convict" his client, he said.

There was then a clash between the judge and Mr Bearman who was accused of talking "utter rubbish".

### Semen sample

Later the judge told him: "You are starting on the basis that this defendant is guilty when there is not enough evidence linking him to the case."

The court was told Mr Multilal's ordeal began early one morning in July last year when he saw the clearly drunk 20-year-old woman in Station Road, Harrow, and agreed to give her a lift.

Less than an hour later, after passers-by found her slumped in a telephone box yards from where she had climbed into the defendant's car, she told police she had been raped by him.

In a police interview, Mr Multilal said the woman had been in his car for no more than a minute when she suddenly opened the door and walked off.

CCTV footage showed someone similar to the woman's description in the same area at the time when she was supposedly being raped.

But a semen sample found on the woman's skirt was shown to be from another man and no other medical or forensic evidence had been supplied by the Crown.

The judge added the case was further undermined when his accuser failed to pick him out on an identity parade.