

IN THE MATTER OF THE
CRIMINAL PROCEDURE CODE

A N D

IN THE MATTER of Traffic
Case No. 6088 of 1980
before the First Class
Magistrate's Court at Suva

R E G I N A M

COMPLAINANT

- and -

MOHAMMED KHALIK
s/o Ismail

RESPONDENT

ORDER ON REVISION

Mr. M. Raza on behalf of the Director of Public Prosecutions has brought to the attention of this Court certain facts in connection with the purported conviction of Mohammed Khalik s/o Ismail the abovenamed Respondent by the First Class Magistrate's Court at Suva on the 15th July, 1980, in respect of three traffic offences alleged to have been committed by him. Mr. Raza reports that on the 7th June, 1980, one Prakash Chand s/o Sukh Lal was driving vehicle No. AF 438 in Stewart Street. He was stopped by PC. 84 Ami Chand who booked him for having a defective parking brake and defective tyres. Prakash Chand had no driving licence and when asked his name he falsely gave his name as Mohammed Khalik s/o Ismail and gave the Police the respondent's address.

The respondent was in due course on the 7th June, 1980, served with 3 Notices to attend Court on the 8th July, 1980. Each Notice gave particulars of a separate traffic offence. He appears to have ignored the three Notices as he did not appear in Court. Had

he done so it may have saved him and the authorities considerable trouble.

In his absence the alleged offences were formally proved by the police and the respondent was convicted of Driving a motor vehicle with Defective Parking Brake, contrary to Regulations 77 and 125 of the Traffic Regulations 1974 and two separate counts of driving a vehicle with a defective tyre contrary to Regulations 74 and 125 of the said Traffic Regulations. He was fined \$15 in default 15 days in respect of each count.

The foregoing facts did not come to light until after the 5th November, 1980, when a warrant of commitment for default in payment of the fines was executed on the respondent.

As a result of the respondent's protests and complaints an inquiry was conducted by the Police and Prakash Chand then admitted at his interview that he had falsely given the Police his name as Mohammed Khalik when booked by the Police on the 7th June, 1980.

The purported conviction of the respondent in respect of each of the said three alleged offences and the fines imposed on him are set aside. The fines if already paid are to be refunded to him.

R.G. Kermode
(R.G. KERMODE)
J U D G E

SUVA,

8 April, 1981.