

IN THE HIGH COURT OF KIRIBATI) HIGH COURT CRIMINAL CASE No. 36 OF 2004
CRIMINAL JURISDICTION)
HELD AT BETIO)
REPUBLIC OF KIRIBATI)

THE REPUBLIC
VS
NAMANOKU TEKANENE

FOR THE REPUBLIC: MS RURIA ITERAERA
FOR THE ACCUSED: MR KAROTU TIBA

DATE OF HEARING: 21 FEBRUARY 2005

SENTENCE

Namanoku Tekanene: you have pleaded guilty to forgery of a Magistrates' Court minute with intent to defraud. This is a very serious crime as it carries a maximum penalty of seven years' imprisonment.

What you did was that in 2003 in a Magistrates' Court you had forged the minute of a Magistrates' Court which had made a land boundary determination of the boundary of your land and the complainant's land in 1995 - the land involved was plot No. 559/m/2 (Taburao) Buota, North Tarawa. Apparently no minute has been made of that Magistrates' Court land boundary determination in 1995 so you decided to write up that minute yourself which, I am told, was so written as to favour your side entirely.

In 2003 another land boundary determination of that same land of yours and the adjoining land which was then being sold by the owner was once again necessary. During that 2003 land boundary determination you produced that forged minute to the Magistrates' Court as being the minute of the land boundary determination in 1995.

That was rejected by the Court. The forged minute was checked carefully later and was established that a Single Magistrate by the name Obeta Redfern had signed the minute and was stamped with the Betio Magistrates' Court. This was of course not true as Obeta is not a Single Magistrate and the Betio Magistrates' Court never stamped the minute. The High Court officers then traced the minute back to the High Court in Betio and confirmed that the minute was not from them but that it has been forged. It was also found out that the accused even went to the Archives in Bairiki to enter the minute there but was rejected as the minute was not from the official court minute book.

What you did was quite deliberate and very wrong. You had planned to deceive and trick the court and the adjoining land owner quite meticulously so that your land would have perhaps a larger and wider land in area.

You are 52 years old and married and you are from Buota village of North Tarawa. You have four children whose ages range from seven to 13 years old. Your children are all attending school and depend on you for everything. Your wife is unemployed.

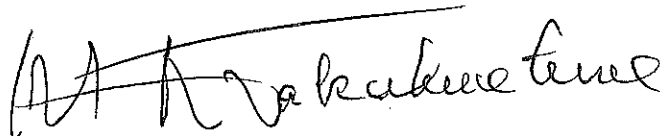
This is not your first offence as you had a long list of offences going back to 1975 and up to 1978 and you had also been imprisoned for about 10 times. Unfortunately this is not credit in your favour and it will not lessen the severity of the sentence.

In your favour however is the fact that you pleaded guilty at the first opportunity; you had also cooperated with the police during investigation and I am told that you had been remorseful for what you did and that you will not re-offend again.

However taking into account the whole situation and facts together which showed that you had been quite dishonest you must go to gaol.

You will be imprisoned for nine months.

Dated the 22nd day of February 2005

A handwritten signature in black ink, appearing to read 'Michael N Takabwebwe', written in a cursive style. The signature is positioned above the printed name of the judge.

THE HON MR JUSTICE MICHAEL N TAKABWEBWE
Judge