



## HIGH COURT OF KIRIBATI

*Criminal Case No 60/2017*

**THE REPUBLIC**

**v**

**TAKURE IOANE**

*Tewia Tawiita, Senior State Attorney, for the Republic  
Raweita Beniata for the accused*

### **FILE NOTE**

- [1] By information dated 30 August 2017 the accused was charged with 1 count of rape, contrary to section 128 of the *Penal Code* (Cap.67).
- [2] That information did not comply with section 70 of the *Criminal Procedure Code*, and a fresh information was filed by the Attorney-General on 20 July 2018.
- [3] It transpires that this matter is a duplicate of a case that proceeded before Zehurikize J on 11 March 2015 (HCCrC 35/2013). There the accused pleaded guilty to offences of indecent assault and burglary and was sentenced to imprisonment for 2 years, suspended for 2 years. The identity of the complainant and the date of the offences in that matter are identical to those in the case before me.
- [4] This morning counsel for the Republic, on behalf of the Attorney-General, has entered a *nolle prosequi* under section 68(1) of the *Criminal Procedure Code* in respect of the information dated 18 July 2018.
- [5] The accused is accordingly discharged with respect to that information.
- [6] This file is to be closed.

Dated 24 August 2018.

  
**Lambourne J**

Judge of the High Court

