



## HIGH COURT OF KIRIBATI

*Criminal Case N° 2/2016*

### THE REPUBLIC

v

### TABOIA IABORUA

*Teanneki Nemta for the Republic*

*Raweita Beniata for the accused*

### FILE NOTE

- [1] The accused was charged with defilement of an imbecile, contrary to section 135(1)(b) of the *Penal Code* (Cap.67).
- [2] The original information in this matter, filed on 18 January 2016, did not comply with section 70 of the *Criminal Procedure Code* (Cap.17). The Attorney-General filed a fresh information on 28 September 2018. On that day counsel for the accused advised that his client intended to plead not guilty, and the trial was fixed for 4 March 2019. The accused did not appear for his trial and a warrant was issued for his arrest. The accused was located on Nonouti and the warrant was executed on 18 April. A new trial date was fixed and the accused was remanded in custody.
- [3] When the matter came on for trial this morning, counsel for the prosecution informed the Court that she now wished to enter a *nolle prosequi* on behalf of the Attorney-General under section 68(1) of the *Criminal Procedure Code*.
- [4] The accused is accordingly discharged. He is to be released from custody immediately. The Republic is ordered to provide him with passage by air back to Nonouti at the earliest available opportunity.

[5] This file is to be closed.

Dated 3 June 2019.

  
**Lambourne J**  
Judge of the High Court

