



HIGH COURT OF KIRIBATI

Criminal Case N° 21/2019

THE REPUBLIC

v

MOAUEA TAUO

*Teanneki Nemta for the Republic
Raweita Beniata for the accused*

FILE NOTE

- [1] By information filed on 2 July 2019, the accused was charged with 1 count of incest by a man, contrary to section 156(1) of the *Penal Code* (Cap.67).
- [2] On 2 August, counsel for the accused advised that his client would be pleading not guilty to the charge, and the matter was fixed as the second trial for the week commencing 23 September.
- [3] This morning, on what was to be the first day of the trial, counsel for the prosecution advised that the complainant had not attended Court, despite having indicated the previous day her willingness to do so. A warrant for the complainant's arrest was sought and, upon being satisfied of proof of service of the summons to attend, I issued the warrant, returnable today at 2:00pm.
- [4] When the matter resumed, counsel for the prosecution advised that efforts to execute the warrant had been unsuccessful. She then informed the Court that she wished to enter a *nolle prosequi* on behalf of the Attorney-General under section 68(1) of the *Criminal Procedure Code* (Cap.17).
- [5] As the Republic intends that these proceedings not continue, the accused is accordingly discharged.

