

IN THE DISTRICT COURT OF NAURU

Criminal Jurisdiction

Criminal Case No. 462 of 1976

THE REPUBLIC

vs.

FALEOFANI RATABWIJ

**CHARGE:**

1. Driving a motor vehicle upon a public highway, negligently.
2. Driving while unlicensed. C/S. 23(1) of the Motor Traffic Act 1937-1973.
3. Driving unregistered vehicle. C/S. (17(1) of the Motor Traffic Act 1937-1973.
4. Using uninsured motor vehicle. C/S. 18(1) of the Motor Vehicles (Third Party Insurance Ordinance 1967).

**JUDGMENT:**

The two prosecution witnesses Wilma and Vivian have given a detailed account of meeting the accused at about 1.00 a.m. on the morning of the 28th April, 1976 and of the subsequent chase given by the accused as a result of their revving the motorcycle engine when they met the accused.

According to their evidence this was done a number of times and resulted in the accused giving chase to the two prosecution witnesses which ended somewhere near the NPC Staff Mess. It would also appear from the evidence that the prosecution witnesses got on to a by-path off the main road in between the houses and when the accused came behind them she collided with the motorcycle.

The accused has given evidence and said that she chased the two witnesses because right through the evening of that day the two prosecution witnesses had revved the engine of the motorcycle whenever they saw her. Her version is that at about 12.00 midnight when she went to the teashop, the two prosecution witnesses came again on the motorcycle and revved the engine and she turned around and went after them. Near the old NPC Office she tried to block the motorcycle from getting out of that place and at that stage the driver of the motorcycle panicked and she hit the motorcycle sideways.

The evidence does certainly reveal that the two prosecution witnesses had been a source of annoyance to the accused for a couple of hours that night and because of this the accused gave chase in her car. The action of the accused in driving her vehicle towards a certain spot to prevent the motorcyclists from leaving that particular place when the motorcyclists were also heading in that direction is, in my opinion, an act of rash and negligent driving. As a result of her action the two vehicles collided. In such a situation any reasonable person would have foreseen that such an act could result in an accident. The accused has not denied that she gave chase to the two prosecution witnesses nor has she denied that the two vehicles collided.

I, therefore, hold that the prosecution has proved Count 1 beyond all reasonable doubt and I find the accused guilty and convict her.

22nd July, 1976.

R. L. DE SILVA  
Resident Magistrate