

IN THE DISTRICT COURT OF NAURU

Criminal Jurisdiction

Criminal Case No. 1083 of 1976

THE REPUBLIC

vs.

ANTI-BOP

CHARGE:

1. Driving a motorcycle upon a public highway, at a speed exceeding thirty miles per hour: C/S 28(a) of the Motor Traffic Act 1937-1973.
2. Driving unregistered motorcycle: C/S 17(1) of the Motor Traffic Act 1937-1973.
3. Using an uninsured motorcycle: C/S 18(a) of the Motor Vehicles (Third Party Insurance) Ordinance 1967-1972.

JUDGMENT:

The police officer, Sgt. Perry Kapua, who detected the accused travelling at a fast speed, has in his evidence stated that he got into his car and went after the accused but lost sight of him. He saw the accused on the bridge and trailed him from the bridge to the Triton Restaurant. His speedometer showed that he was travelling over 50 miles per hour. He stopped the accused who was driving a motorcycle about 15 yards away from the Triton Restaurant and advised him that he would book him for speeding.

The accused has given evidence and although he has stated that he did not travel at a very fast speed at the time in question, in cross-examination he had admitted that his speedometer was not working and he did not know whether he was travelling over 40 miles per hour.

I accept the evidence of Sgt. Kapua that the accused was travelling in excess of 30 miles per hour and I hold that the prosecution has proved its case beyond all reasonable doubt and I find the accused guilty and convict him.

24th November, 1976

R. L. DE SILVA  
Resident Magistrate