

IN THE DISTRICT COURT OF NAURU

Criminal Jurisdiction

Criminal Case No. 1 of 1977

THE REPUBLIC

vs.

MENU ATUEIYA

CHARGE:

Driving under the influence of intoxicating liquor:
C/S 21(1) of the Motor Traffic Act, 1937-1973.

JUDGMENT:

The case for the prosecution is that the accused was detected driving whilst under the influence of intoxicating liquor by Police Const. Paul Fritz on the 5th January, 1977 at about 2.00 a.m.

According to Police Const. Paul Fritz, he was on police patrol on the day in question together with Cadet Gabin Akarube. Near the Chinese Cook-Shop, he noticed a car come out without lights and he trailed it. Near the house of the Head Chief in Aiwo, he noticed a car swerving from side to side. He stopped the car opposite the accused's home and informed him that he was booking him for driving under the influence. He took him in the police car to the police station. The accused was fully drunk and he got the smell of intoxicating liquor. He had to help the accused out of his car as he could not get out. In the police station, the accused was not walking normally.

The prosecution has also led the evidence of Sgt. James Harris, who recorded the statement of the accused and produced as Ex. "A" and its translation as Ex. "A-1". In his statement, the accused said that he had been drinking but he was not drunk. In his evidence the accused has stated that he went to the Chinese town to eat something and he drank beer.

The evidence of Const. Paul Fritz that the accused was fully drunk and that he got the smell of liquor and that he could not walk properly is sufficient to come to a finding that the accused was under the influence of intoxicating liquor. The statement by the accused that he drank but he was not drunk supports the prosecution case in that he could well be under the influence although he was not drunk. There is evidence that he drank beer.

I, therefore, hold that the prosecution has proved its case beyond all reasonable doubt and I find the accused guilty and convict him.

27th January, 1977.

R. L. DE SILVA
Resident Magistrate