

IN THE DISTRICT COURT OF NAURU

Criminal Jurisdiction

Criminal Case No. 49 of 1978

THE REPUBLIC

v.

ITURUN TIMOTHY

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 on the 14th January, 1978 at about 4.30 p.m. the accused went off the road at the western bay at the end of the airstrip and came to rest by the side of the sea wall.

Const. Aremwa, who was an eye-witness to the incident, stated that he first saw the accused driving a black Republic vehicle near the fire station. The accused was travelling fast and overtaking vehicles when there were oncoming vehicles on the other side. He chased after the accused and near the wind-sock at the western bay he noticed the car zigzagging on the road. The accused failed to take the bend at the end of the airstrip and got on to the pavement, knocked down a rubbish bin and came to rest by the side of the sea wall. He rang up the police and Const. Olsson took the accused to the police station.

Const. Olsson and Const. Deduna have given evidence and Const. Olsson has stated that when he was taking the accused back to the police station, the accused told him that he was drinking the night before and he fell asleep and failed to negotiate the bend. All three police officers stated that they got the smell of intoxicating liquor from the accused.

It is not necessary for me to examine in detail the evidence given by the accused as he has stated on oath that at the time in question, he was drunk.

I, therefore, hold that the prosecution has proved beyond all reasonable doubt that the accused was under the influence of intoxicating liquor at the time he went off the road and I find the accused guilty and convict him.

R. L. DE SILVA  
Resident Magistrate

13th March, 1978.