

JUDGMENT

INTRODUCTION

1. The defendant is charged as follows:

"COUNT 1

Statement of Offence

OBSTRUCTING A PUBLIC OFFICIAL: *Contrary to Section 242(a)(b) of the Crimes Act 2016*

Particulars of Offence

KEANU ADEANG on the 8th day of October, 2023 at Aiwo District in Nauru, obstructed and resisted a police officer, namely **POLICE RESERVE KINSON DAGEAGO** in the exercise of his function as public official, and **KEANU ADEANG** believes **POLICE RESERVE KINSON DAGEAGO** is a public official."

2. The prosecution opened its case on 14 July 2025 and closed it on 15 July 2025. The defendant's counsel did not wish to make a no case to answer submission. Thereafter, the defendant was put on his defence. Directions were given to him in relation to his right to choose to remain silent, give evidence under oath or make an unsworn statement in court. He decided to give evidence under oath and to call a witness to testify on his behalf.
3. Once the defendant closed his case, the parties sought time to file written closing submissions. The defendant filed his closing submissions on 23 September 2025, and the prosecution filed its closing submissions on 6 October 2025. I heard the parties' closing submissions on 8 October 2025.
4. I am to determine whether the defendant obstructed Police Reserve Kinson Dageago in the execution of his duties as a police officer.
5. The following are my reasons for this judgment.

PRINCIPLES RELEVANT TO THE DECISION-MAKING

6. I will outline my role before I proceed to consider the evidence of the witnesses.
7. I am required to decide whether the prosecution has proven the essential elements of the alleged offence beyond a reasonable doubt. The prosecution has the burden of

proving the elements of the charge beyond a reasonable doubt. The defendant is not required to prove or disprove anything. I cannot find the defendant guilty unless the evidence which I accept satisfies me beyond a reasonable doubt of his guilt. If there is an explanation consistent with the defendant's innocence, or I am unsure of where the truth lies, then I must find that the charge has not been proven beyond a reasonable doubt.

8. A reasonable doubt will result if, in my mind, I am left with an honest and reasonable uncertainty about the guilt of the defendant after I have given careful and impartial consideration of the evidence.
9. While the burden of proof is on the prosecution, it does not mean that every fact in dispute is to be proved beyond a reasonable doubt; only the elements of the charge need to be proven beyond a reasonable doubt. However, evidentiary facts must be clearly proved before they are treated as established.
10. I have considered all the evidence placed before me. I must determine whether each witness is honest, reliable, and credible, and, in doing so, I can rely on the evidence the witness has given and make a finding that the facts about which the witness has given evidence have been proven. Regarding this, I can accept part of the witness's evidence and reject part of it, or accept or reject it all. I am not required to give all evidence the same weight.
11. In assessing the credibility of a witness, I examined the veracity and/or sincerity of the witness to see whether he or she was trying to be truthful. Furthermore, to assess the witness's reliability, I examined their ability to recall memories accurately. The following are the factors that I considered:
 - i. *ability and opportunity to observe events*
 - ii. *firmness of memory*
 - iii. *capacity to resist pressure to modify recollection*
 - iv. *factors which might have resulted in reconstruction or mistaken recollection*
 - v. *willingness to make concessions where recollection may be faulty, especially when favorable to the other party*
 - vi. *testimony that seems unreasonable, impossible or unlikely*
 - vii. *partiality/motive to lie*
 - viii. *general demeanor*
 - ix. *Internal consistency: does testimony change during direct or cross examination?*
 - x. *External consistency: does testimony harmonize with accepted,*

*independent evidence?*¹

12. I remind myself that inaccuracy about secondary, marginal or unimportant facts often arises in cases because the witnesses are focused on central facts, and may differ on what evidence they give based on what they perceive to be essential. Furthermore, witnesses have varying abilities in observation and memory recall.
13. I must deliver my judgment in accordance with the evidence, which would require me to make findings of fact upon considering the evidence before me. In this regard, I will carefully consider the evidence logically and rationally, bringing an open and unbiased mind to it, while also drawing on my common sense and experience in assessing the evidence before me. I must do this dispassionately, impartially, without prejudice, and without favour or ill-will.
14. From the established facts, I may draw a reasonable inference, which must be justifiable and drawn beyond a reasonable doubt. I must not draw an inference from the direct evidence unless it is a rational inference in all the circumstances.
15. The defendant did not have to give evidence and call a witness to give evidence on his behalf during his trial; however, he gave evidence in his defence and called a witness to give evidence on his behalf. His evidence is no better or worse than the evidence of the other witnesses, just because he is the defendant. I must approach his evidence in the same way that I would approach the evidence of any other witness. I must also remind myself that the defendant did not assume any onus to prove anything at the hearing when he decided to give evidence in his defence. I can only find the defendant guilty of the alleged offences after I have considered all the evidence, and having done so, I have rejected the defendant's evidence, and accept beyond a reasonable doubt the prosecution's evidence in relation to the essential elements of the alleged offences.
16. I must emphasise that in reaching my decision, I am not required nor is it necessary for me to articulate findings about every part of the evidence. All I have to do is determine whether the prosecution has proven all the elements of the alleged offence beyond a reasonable doubt. In that regard, I may have to resolve some primary factual disputes.
17. I have considered all the evidence before me. I will summarise most of the evidence before me and discuss the parts that are essential to my analysis.

PROSECUTION'S CASE

18. The prosecution called four witnesses, namely, Sergeant John Deidenang ("PW1"),

¹ *R v Killman* [2024] BCPC 104

Police Reserve Kinson Dageago (“PW2”), Senior Constable Truman Qioura (“PW3”), and Constable Pancho Hiram (“PW4”).

19. I have considered all the evidence given by the prosecution witnesses. A summary of the prosecution witnesses’ evidence is as follows.

Evidence of PW1

20. PW1 testified that on 8 October 2023, he was instructed by Inspector Czarist to go to the defendant’s place of residence at Aiwo to remove drunkards from the house. The defendant’s mother had requested this by phone from overseas. He stated that he instructed officers Senior Trueman Qioura and Police Reserve Kinson Dageago to attend to the report. Later, the officers briefed PW1 that, when they approached the defendant, he became aggressive. He identified the defendant in court.
21. In cross-examination, he confirmed that on the date in question, he did not witness what happened. There was no re-examination.

Evidence of PW2

22. PW2 testified that on 8 October 2023, he was in a police patrol vehicle with PW3, PW4, “Jasmine”, and another person whose name he could not recall. At around 12 noon, they received a call from base to attend a report at Aiwo District at Cyndarina’s residence. He stated that Cyndarina requested to remove drunks who were at her residence. She was overseas at the time of the request.
23. PW2 stated that when they reached the defendant’s home in Aiwo District, there were drunkards. He walked to the open front door and asked the drunkards who had organised the “gathering”. They went and got the defendant. PW2 told the defendant that his mother had called and requested that the drunkards find another place or location. He stated that the defendant was not happy. PW2 then stated, “Then it started when I told him he started pushing”. PW2 further stated that he told the defendant that the defendant would not be cooperating if he kept doing that; however, the defendant kept pushing, and that’s when they arrested him. He held onto his arm and escorted him to the can-cage of the police van.
24. PW2 stated that the defendant complied when he took him to the police van, but they struggled when putting him into the can-cage because the defendant did not want to get in. PW3 assisted PW2 by opening the can-cage door and holding it. During the struggle at the can-cage the defendant tore PW2’s uniform.
25. PW2 also stated that after dropping the defendant off at the police station, they went back to his home to remove the drunkards.
26. During cross-examination, PW2 confirmed that the defendant was the only person they

arrested that day. PW2 also stated that the reason he gave the defendant for arresting him was that he pushed PW2 while he was at work, and that he had taken the defendant to the police station because the defendant was not complying with his instructions. PW2 stated that he gave the reasons for the arrest to the defendant in the police van.

27. It was put to PW2 that he assaulted the defendant that day. PW2 denied assaulting the defendant. However, PW2 confirmed that he knew the defendant well because they were in the same grade. He also confirmed that he fought with the defendant during a drinking party “a long time ago”
28. PW2 confirmed that none of the police assisted him in arresting the defendant up until the can-cage of the police vehicle.
29. PW2 also stated that when he told the defendant to find another place to drink, the defendant gave him a “soft push...more like a shrug”.
30. During re-examination, the defendant stated that he forgot why he did not give the defendant his rights at the time of arrest.

Evidence of PW3

31. PW3 testified that on 8 October 2023, he was in a police vehicle with PW2, PW4, Jazmine and another person whose name he could not remember. PW3 stated that around 12 noon, they received instructions from base to attend to a report at the defendant’s residence in Aiwo District. He was not aware of the reason.
32. PW3 stated that when they reached the defendant’s residence, PW2 got off and went to the entrance of the defendant’s home. He saw PW2 and the defendant talking. He could not hear what they were saying. However, he observed that while PW2 and the defendant were talking, the defendant became aggressive, seemed unwilling to be removed from the area, and pushed PW2 once. After this, PW2 and the defendant struggled. PW3 went and assisted PW2 and held onto the defendant. Then they took the defendant to the can-cage. PW3 observed that the defendant was intoxicated. The defendant was drinking alcohol when they arrived.
33. PW3 stated that the defendant continued to struggle at the can-cage and didn’t want to be arrested.
34. During cross-examination, PW3 stated that the defendant committed the offence of public offence. When asked whether drinking alcohol in a private dwelling was a public nuisance, PW3 stated that “The reason is it was reported, and we went to speak to him to move his friends and not him. It reached the point he didn’t want to comply and move his friends”.
35. It was put to PW3 that PW2 assaulted the defendant, which he denied. He further

confirmed that during the struggle between PW2 and the defendant, the defendant was holding the shoulder and collar of PW2's shirt.

36. PW3 was not re-examined.

Evidence of PW4

37. PW4 testified that on 8 October 2023, he also attended to the report at the respondent's residence together with PW2, PW3, Jazmine, and Ejinuwe. He stated that when they reached the defendant's residence in Aiwo District, PW2 got out of the police vehicle and approached the defendant's home's front door. PW4 got out of the police vehicle and stood beside it. He heard PW2 call the defendant. PW4 went around the house to check if the defendant was there. Then he saw the defendant come out of his home from the front entrance where PW2 was.
38. PW4 stated that he saw PW2 talking to the defendant. He could not clearly hear what they were talking about during their initial encounter, but after that, he heard PW2 tell the defendant that he wanted to have a private conversation with him. The defendant refused. PW2 then held the defendant's hand. The defendant smacked PW2's hand away. PW4 stated that PW2 continued talking to the defendant, and the situation escalated into a tussle between PW2 and the defendant. PW2 held the defendant by the waist and repeatedly told him he would be arrested. The defendant was pushing PW2 from the back and holding onto his collar, which the defendant tore. PW2 continued to hold on to the defendant, and at the police vehicle, PW2 told the defendant that "he was going to be taken".
39. PW4 stated that PW3 assisted PW2 in putting the defendant into the can-cage of the police vehicle.

DEFENDANT'S POSITION

40. The Defendant gave evidence under oath and called one witness, namely, Billy Daniel, to give evidence on his behalf.
41. I have considered all the evidence given by the defendant and his witness. A summary of their evidence, which is essential to the determination of this matter, is as follows.

Defendant

42. The defendant testified that he lives with his mother and that his mother owns the home that they live in. Their home is situated in Aiwo District. Only the defendant and his mother live in their home in Aiwo District.
43. On 8 October 2023, the defendant and around 10 of his friends were drinking alcohol in his home. They had been drinking alcohol since the previous night. Sometime

between 12 pm and 1 pm, police officers came to his house. A friend of his told him that a police officer wanted to talk to him. It was PW2. He was at the front door. When the defendant reached PW2, they went outside the front door.

44. The defendant said that when he went to speak to PW2, all he wanted to do was arrest him. PW2 told him that they would arrest him because his mother had called. He told PW2 to give him time to call his mother so he could explain. The defendant stated that it was then that PW2 wanted to have a private conversation with him away from the house. The defendant refused. When the defendant refused, PW2 grabbed his arm, and the defendant shrugged his hand off. This went on for a while, and then, suddenly, PW2 lifted the defendant off the ground, and the defendant fell. The defendant quickly stood up. At this point, PW2 held the defendant around the waist, and the defendant held onto PW2's uniform so that PW2 would not be able to throw him to the ground. PW2 was trying to pin the defendant to the ground, and the defendant was holding onto the defendant's uniform, and during the tussle between the two, PW2's uniform tore.
45. The defendant stated that he got aggressive when PW2 lifted him off the ground.
46. During cross-examination, the defendant confirmed that PW4 is his neighbour, but they are not close. He also confirmed that his mother complained about his friends, who were drinking with him.
47. Counsel for the prosecution put to the defendant that PW2 had told the defendant to remove his friends to another place and had repeated the same a few times, but he refused to comply. The defendant denied being told to remove his friends from the house. Further, the defendant stated that no time was given to him to comply because PW2 kept trying to arrest him.

Billy Daniel

48. Billy is the defendant's neighbour. He witnessed the defendant's arrest only from his home. He was sitting outside his home. He saw police officers arriving at the defendant's house, and he also saw the police officers arrest the defendant. He could hear the defendant shouting outside the defendant's house when he was struggling with the police officers. The defendant was shouting and asking the police officers why he was arrested.
49. Billy stated that he witnessed the whole event when the defendant came out of his house and spoke with PW2. He stated that the police officers had just arrested him.

WHAT ARE THE ESTABLISHED FACTS?

50. I have considered all the evidence before me. All the witnesses were credible, and I found them to be truthful.
51. The only inconsistency in the evidence that I need to resolve is what happened when PW2 first met the defendant at the defendant's home in Aiwo on 8 October 2023. PW2 was very vague about his initial encounter with the defendant. Without giving adequate evidence regarding his initial conversation with the defendant, PW2 went straight to

the part when he had a tussle with the defendant. His version of what transpired is vague, stating, “Then it started when I told him he started pushing”. Then he gave evidence of his warning to the defendant about obstructing him.

52. However, the defendant states that when he first spoke to PW2, PW2 told him that he was to arrest him because his mother complained about them drinking alcohol at home. The defendant stated that he told PW2 to give him time to call his mother to explain, after which PW2 asked the defendant to have a private conversation with him. The defendant stated that he refused. At this point, PW2 grabbed his arm. The defendant shrugged it off. The defendant stated that this continued until PW2 lifted him off the ground, at which point he fell. At this point, the defendant stated that he became aggressive and, when he stood up, pushed PW2 to create a safe distance between them.
53. PW4’s evidence supports the defendant’s account of what happened during the initial part of the encounter between the defendant and PW2. PW4 testified that PW2 had a conversation with the defendant, which he did not hear. But when he approached, he heard PW2 tell the defendant to have a private conversation with him, then he held the defendant’s arm, which the defendant shrugged off. After this, a tussle ensued between them, and the defendant started becoming aggressive. In light of this, I find the defendant’s account more credible and a clear account of what happened before the tussle between him and PW2 began. Therefore, I find the defendant’s account of what happened to be established facts in this matter concerning the initial encounter between the defendant and PW2 before the tussle between them started.
54. I accept all other evidence as being established.

ANALYSIS

55. Section 242 of the Act provides as follows:

242 Obstructing public official

A person commits an offence, if:

(a) the person obstructs, hinders, intimidates or resists another person in the exercise of the other person’s functions as a public official; and

(b) the person believes the other person is a public official.

Penalty: 2 years imprisonment.

56. Western Australia has a similar provision to section 242 of the Act for obstructing public officials. The District Court of Western Australia in **CUNNINGHAM -v- TRAYNOR** [2016] WADC 168 (9 December 2016) at [103] of its judgment made the following observations about the importance of the context in which the public official is exercising his or her functions:

103 Whether a public officer was acting in the performance of his or her functions needs to be determined having regard to the nature of the public office held and the particular function or functions which the officer was attempting to perform at the time in question: Hayward-Jackson v Walshaw [2012] WASC 107 [22] (EM Heenan J).

57. In this instance, the public official is a police officer. Therefore, cases that deal specifically with offences of obstructing a police officer in the execution of their duties/functions are more applicable to this case.
58. To determine the elements of the offence for obstructing a police officer in execution of his or her duties, I rely on the following observations in **Green v Moore** [1982] 1 All ER 428 at 432 & 433:

In our view the law requires a court which is considering a charge of willfully obstructing a police officer in the execution of his duty to ask itself the three questions propounded by Lord Parker CJ in Rice v Connolly [1966] 2 All ER 649 at 651, [1966] 2 QB 414 at 419:

- i. *Was there any obstruction to a constable?*
...
- ii. *Was the constable acting lawfully in the execution of his duty?*
...
- iii. *Was the obstruction intended to obstruct the constables in the execution of their duty?...*

59. Section 12 of the Act provides the following with regard to elements of an offence:

Elements of an offence

(1) An offence consists of physical elements and fault elements.

(2) Notwithstanding subsection (1), the written law that creates the offence may provide:

- (a) different fault elements for different physical elements; or*
- (b) that there is no fault element for one or more physical elements.*

60. Section 13 of the Act provides as follows:

Establishing criminal responsibility for offences

A person shall not be found guilty of an offence unless the prosecution proves:

- (a) each physical element of the offence that is specified in the written law creating the offence that is relevant to establishing guilt; and*
- (b) for each physical element for which a fault element is required, the fault element or one of the fault elements for the physical element.*

61. Further, section 14 of the Act provides as follows:

Physical elements

(1) A 'physical element' of an offence may be:

(a) conduct;

(b) a result of conduct; or

(c) a circumstance in which conduct, or a result of conduct, occurs.

62. Section 22(1) & (2) of the Act provides as follows:

Offences that do not provide fault elements

(1) Where the written law creating an offence does not provide a fault element for a physical element that consists only of conduct, intention is the fault element for the physical element.

(2) Where the written law creating an offence does not provide a fault element for a physical element that consists of a circumstance or a result, recklessness is the fault element for the physical element...

63. In light of the above, I find that for an offence of obstructing a police officer in the execution of his duty, the prosecution needs to prove beyond a reasonable doubt that:

- i. A police officer was obstructed.
- ii. The police officer was acting lawfully in the exercise of his or her duties/functions as a police officer.
- iii. The defendant believed that the person obstructed was a police officer.
- iv. The defendant intended to obstruct the police officer in the execution of his or her duties/functions as a police officer.

Was PW2 executing his duties/functions as a police officer?

64. It is not disputed that PW2 was a police officer at the time of the offence. Further, it is also not disputed that the defendant was aware that PW2 was a police officer.

65. Lord Parker CJ in ***Rice v Connolly*** [1966] 2 All ER 649 at page 651 made the following observations about the duties and obligations of a police officer:

"...It is also in my judgment clear that it is part of the obligations and duties of a police constable to take all steps which appear to him necessary for keeping the peace, for preventing crime or for protecting property from criminal injury. There is no exhaustive definition of the powers and obligations of the police, but they are at least those, and they would further include the duty to detect crime and to bring an offender to justice."

66. The High Court of New Zealand in ***Williams v Police*** [1981] 1 NZLR 108 at page 111

made the following observations concerning the execution of police duties and the rule of law requiring police officers to execute their duties lawfully:

“The need of the community to have an efficient and effective police force must of course be balanced against the necessity of ensuring that the citizen's freedom is restricted only when and to the extent that the law permits. The proper preservation of the balance is a very difficult thing in situations of stress or strife. Most citizens will readily co-operate with the police. Where, for whatever reason, one refuses to do so, he can provoke a situation for which he has only himself to blame. On the other hand, the police may in the heat of the moment exceed their proper authority, and must then be, and I am sure are, prepared to have their actions held up to the critical scrutiny of the Court. The calm and dispassionate atmosphere in which that is done is far removed from the circumstances in which the events would have taken place, and therefore any adverse finding in law which the Court makes is not necessarily to be regarded as a criticism of the actions taken by the police at the time. That is certainly the case here.” (my emphasis)

67. It is important to note that the prosecution witnesses did not give any evidence that a crime was being committed by the defendant and/or his friends. Nor did they provide evidence that the defendant and his friends were being a nuisance. The evidence before me is that the police officers received a call from the defendant's mother seeking their assistance to remove the defendant's friends who were drinking alcohol at her place.
68. It is commendable that the police officers are willing to assist members of the public. However, in the current matter, police assisted the defendant's mother in what seems to be a private matter involving the defendant and his mother, where the defendant had invited friends to drink alcohol at his home. There is no suggestion that the defendant's friends trespassed onto the property. It is evident that the defendant invited his friends into his house. Usually, police assistance is sought when there is a likelihood of violence or a crime being committed. In this case, there was no suggestion of such.
69. It is essential that police officers understand the limits of their powers when they involve themselves in private matters where there is no crime involved, because police intervention is mainly reserved for matters involving crime and the maintenance of peace. Since there is no evidence to suggest that a crime was committed or would be committed, does this matter involve a breach of the peace?
70. Lord Rodger of Earlsferry in *R (on the application of Laporte) v Chief Constable of Gloucestershire Constabulary (Chief Constable of Thames Valley Police and another, interested parties)* [2007] 2 All ER 529 at page 553 made the following observations on the applicable principles in relation to a police officer's duty to maintain the peace:

“[62] For the most part, the common law is concerned to punish those who have committed an offence and to deter them and others from doing so in the future. It does not step in beforehand to prevent people from committing offences. The duty to prevent a breach of the peace is therefore exceptional. And, if not kept within proper bounds, it could be a recipe for officious and unjustified intervention in other people's affairs. The common law guards against this danger by insisting that the duty arises only when the police officer apprehends that a breach of the peace is 'imminent' (*O'Kelly v Harvey* (1883) 14 LR Ir 105 at 109; *Foulkes v Chief Constable of the Merseyside Police* [1998] 3 All ER 705 at 711) or is 'about to take place' or is 'about to be committed' (*Albert v Lavin*) or will take place 'in the immediate future' (*R v Howell* [1981] 3 All ER 383 at 388, [1982] QB 416 at 426). His apprehension 'must relate to the near future' (*McLeod v Metropolitan Police Comr* [1994] 4 All ER 553 at 560). If he reasonably apprehends that a breach of the peace is likely to occur in the near future, the officer's duty is to take reasonable steps to prevent it.”

71. Lord Bingham of Cornhill in ***R (on the application of Laporte) v Chief Constable of Gloucestershire Constabulary (Chief Constable of Thames Valley Police and another, interested parties)*** [2007] 2 All ER 529 at page 542 made the following observations on what entails a breach of the peace:

[27] The legal concept of a breach of the peace, although much used, was for many years understood as a term of broad but somewhat indeterminate meaning. In *R v Howell* [1981] 3 All ER 383, [1982] QB 416 the Court of Appeal heard detailed argument on the meaning of the expression, an issue raised by the facts of the case. The court concluded that the essence of the concept was to be found in violence or threatened violence. It ruled ([1981] 3 All ER 383 at 389, [1982] QB 416 at 427):

'We are emboldened to say that there is a breach of the peace whenever harm is actually done or is likely to be done to a person or in his presence to his property or a person is in fear of being so harmed through an assault, an affray, a riot, an unlawful assembly or other disturbance. It is for this breach of the peace when done in his presence or the reasonable apprehension of it taking place that a constable, or anyone else, may arrest an offender without warrant.'

72. From the above case authority, it is clear that a breach of the peace happens when there is violence or threatened violence involved. Furthermore, a police officer can only take reasonable steps to prevent a breach of the peace if the breach is imminent.
73. There is no evidence to suggest that the defendant was likely to become violent or

threatened to become violent before PW2 spoke to him and tried to move him to talk to him privately. In this regard, I find that there was no breach of the peace or likely imminent breach of the peace when PW2 approached the defendant's home to speak with him somewhere privately. In addition, there is no evidence before me that the defendant or his friends committed a crime or were about to commit a crime. Therefore, up until the point in time when PW2 approached the defendant, there was no cause for the police officers to restrict or infringe upon the defendant's liberty and/or rights. Therefore, PW2 had no grounds to arrest him at that time.

74. I now turn to whether the defendant was obliged to answer PW2's questions and to accompany him for a private conversation. In this regard, I refer to the observations of Lord Parker CJ in *Rice v Connolly* [1966] 2 All ER 649 at page 652, where his Lordship stated that:

"...Accordingly, the sole question here is whether the appellant had a lawful excuse for refusing to answer the questions put to him. In my judgment he had. It seems to me quite clear that though every citizen has a moral duty or, if you like, a social duty to assist the police, there is no legal duty to that effect, and indeed the whole basis of the common law is that right of the individual to refuse to answer questions put to him by persons in authority, and a refusal to accompany those in authority to any particular place, short, of course, of arrest. Counsel for the respondent has pointed out that it is undoubtedly an obstruction, and has been so held, for a person questioned by the police to tell a "cock-and-bull" story, to put the police off by giving them false information, and I think he would say: well, what is the real distinction, it is very little away from giving false information to giving no information at all; if that does in fact make it more difficult for the police to carry out their duties then there is a wilful obstruction. In my judgment there is all the difference in the world between deliberately telling a false story, something which on no view a citizen has a right to do, and preserving silence or refusing to answer, something which he has every right to do. Accordingly, in my judgment, looked on in that perfectly general way, it was not shown that the refusal of the appellant to answer the questions or to accompany the police officer in the first instance to the police box was an obstruction without lawful excuse." (my emphasis)

75. I find that the principles referred to *Rice v Connolly* [1966] 2 All ER 649 at page 652 apply to this matter. Therefore, the defendant was not obliged to answer any questions posed by PW2, nor was he obliged to follow him anywhere voluntarily. Further, PW2 had no reasonable cause to arrest the defendant or even restrain him.
76. The defendant asked PW2 to give him time to call his mother. This was reasonable. There was no likely imminent breach of the peace. As such, PW2 did not have the authority to direct the defendant to accompany him for a private conversation. He actually needed the defendant's consent to take him elsewhere to talk to him privately,

and he did not have any authority to compel the defendant to do so.

77. In the current circumstances, PW2 could not invoke any of his police powers because there was no likelihood of a breach of the peace or a crime being committed. Therefore, I find that PW2 was not performing any lawful duties or functions of a police officer in relation to the detection or prevention of a crime when he spoke with the defendant about his mother calling them to remove the defendant's friends from his home. He was providing police assistance in a private matter in which no crime had been committed, nor was there any likelihood of a crime being committed. PW2's conduct caused the escalation of the matter. Had PW2 conducted himself within the bounds of the law, then the matter would not have escalated the way it did.
78. In light of my findings above, the defendant could not have obstructed PW2 because PW2 was not executing any lawful police duty or function which was within his powers as a police officer. His actions went beyond his powers as a police officer. As such, I also find that the prosecution has not proven beyond a reasonable doubt that the defendant, on 8 October 2023, obstructed PW2 in the exercise of his duties and/or functions as a police officer.

VERDICT

79. For the foregoing reasons, I find that the defendant is not guilty of the charge laid against him, and I acquit him of it accordingly.

Dated this 5th day of December 2025.


Resident Magistrate
Vinay Sharma

