

IN THE SUPREME COURT OF NAURU
Criminal Jurisdiction
Criminal Appeal No. 9 of 1976

THE REPUBLIC

v.

ROLLAND TIKO DONGOBIR

10th August, 1976 at 9.45 a.m.

In Court

Before Mr. Justice I.R. Thompson, Chief Justice

For the Republic: I/P D. Gioura

For the Appellant: Mr. K. Aroi

Appellant present.

MR. AROI applies for adjournment.

ORDER: Adjourned until the 16th August, 1976 at 8.30 a.m.

E. R. THOMPSON
Chief Justice

10/8/76.

16th August, 1976 at 9.10 a.m.

In Court

Same appearances.

Appellant present.

MR. AROI: I seek directions. We have not appealed on the second count. But the appellant has come to-day with his driving licence.

COURT: Was the licence valid on 30th January, 1976?

MR. AROI: No. It was renewed in February. I do not wish to raise the matter further.

The appeal is against severity of sentence. The offence is a traffic offence, negligent driving. The maximum sentence which can be imposed is 6 months' imprisonment.

Although a cyclist was involved, the appellant did not run him down. His car hit the curb and then the side of his car knocked the cyclist.

In previous cases of this kind sentences of imprisonment were not imposed, i.e. for negligent driving. The prosecution did not charge the appellant with dangerous driving. The magistrate dealt with the case as though it were one of dangerous driving. Driving without due care does not warrant three month's imprisonment. The appellant has previous convictions, including one for speeding in 1974, but his record is reasonably good.

JUDGMENT:

The facts of the case appear to warrant a charge of dangerous driving. However, negligent driving was charged. On that basis it was a most serious example of negligent driving. Any possible mitigating circumstances are more than counter-balanced by the appellant's callous disregard of the cyclist after the accident; he drove on without stopping and did not stop until after half a mile a police officer stopped him.

The frequency of instances of bad driving is so high at present that use of the roads is made unnecessarily risky. The District Court has a duty to impose deterrent sentences when offenders are brought before it and convicted.

In all the circumstances the sentence imposed in this case was neither harsh and excessive nor wrong in principle.

The appeal is dismissed.

I.R. THOMPSON
Chief Justice

16/8/76

(Sentence: 3 months' imprisonment for negligent driving.)