

FRANCIS KUTONO v REGINA

HIGH COURT OF SOLOMON ISLANDS
(Mwanosalua J)

Criminal Case No: 166 of 2006

Date of Hearing: 3 April 2007

Date of Ruling: 3 April 2007

N Manning for the applicant

Ricky Iomea for the Respondent

RULING

Mwanosalua, J: This is an application for variation of bail conditions. The applicant is Francis Kutono who is a citizen of Papua New Guinea. He was jointly charge with two other persons, with the alleged murder of late Bobby Sae Nare at Gizo on 11 June 2000. He was released on bail by this Court on 14 July 2006 on conditions that:

he deposits his Papua New Guinea Passport with the Court;

he reports at Central Police Station at Honiara every Friday between the hours of 8am and 4pm;

he lives with Mary Mahin or at an appropriate accommodation in Honiara as identified by Mary Mahin to the Court;

and Mary Mahin to enter into and sign a Recognisance in the sum of \$1000.00.

This application is to vary the above bail conditions in order to allow the Applicant to leave Honiara on Thursday 4 April and return on 10 April 2007 to attend a dart tournament at Munda. The Respondent opposed the application on the ground that the Applicant would interfere with crown witness who live at Gizo and Munda in the Western Province.

The applicant told the Court in his affidavit that he has been a member of the "Y-6 Dart Club" for seven years and an important member of the club. He seeks to support this by a letter from the Team Manager, annexed to his affidavit filed on 29 March 2007. But in his letter, the Team Manager merely required the release of a "Mr. Rambo". This Court did not grant bail to any person named Rambo on 14 July 2006. His Advocate did not explain who Rambo was as stated in the letter.

The Applicant's passport is not in the Court File. It is with the Papua New Guinea High Commission at the moment. It is clear that the Applicant has failed to comply with his bail conditions which he now seeks to vary. For instance, he did not deposit his passport with the Court. His Advocate must ensure that he complies with all bail conditions set cited above. He cannot be trusted. His application for the variation to his bail conditions is refused. It is accordingly dismissed.

Francis Mwanosalua
Puisne Judge