

IN THE TULAGI MAGISTRATE COURT
Criminal Case 332 of 2021

REGINA
V
BEN TAPONI



P/C Kangea for the Crown
Counsel Mr. Harunari for the Defendant

Date of Hearing: 30th June 2021
Date of Judgment: 1st July 2021

SENTENCE

PM Taeburi,

1. The accused pleaded guilty to two counts of using abusive words contrary to section 178(n) of the Penal Code.
2. He swore at Chief Meta on two occasions in the village. He was upset and drunk at the time.
3. He showed no respect to the chief.
4. He was drunk at the time.
5. I consider that he pleaded guilty. He is an elderly man of 53 years old. He has no previous conviction, which means that for 53 years of his life he has been a good law abiding citizen.
6. He has reconciled with the chief and has paid a compensation of \$1500 an amount exceeding the maximum penalty for this offence.
7. I invoke section 35 of the Penal Code. I am satisfied that there are extenuating circumstances in this case. The matter is of a trivial nature in my view. I also consider the age and antecedents of the accused. I therefore refuse to enter conviction against the accused. I order that the charge is dismissed on the condition that the accused keeps the peace for a period of 1 year in his own recognisance.
8. Right to appeal within 14 days.

