

BETWEEN: Public Prosecutor  
Claimant

AND: Vivaldo Thomas Ludvaune  
Defendant

Date of Hearing: Tuesday 11<sup>th</sup> October, 2022  
Date of Judgement: Tuesday 11<sup>th</sup> October, 2022  
Venue: Efate Island Court – Court-Room, Joint-Court Ontop, Port-Vila  
Before: Justice F. Thomas (Presiding Justice)  
Justice R. Tining (Member)  
Justice S. Paton (Member)  
Island Court Clerk: Alida ALAIN  
In Attendance: Claimant – Public Prosecutor represented by Titus Thompson  
In Absence: Defendant

Copy : Court File

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### WITHDRAWAL ORDER

(Section 129, Criminal Procedure Code Act CAP 136)

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Mr. Vivaldo was charged of the following charges:

- (1) Unintentional Harm - Contrary to Section 108 of the Penal Code Act Cap 135.
- (2) Driving under the influence of alcohol - Contrary to Section 16 of the Road Traffic Control Act Cap 29.
- (3) Driver of a motor vehicle to have a driving license – Contrary to Section 16 of the Road Traffic Control Act Cap 29.

Upon hearing the application of withdrawal under **Section 129 of the Criminal Procedure Code [Cap 136]** “**129. Withdrawal of charge** - If a prosecutor, at any time before a final order is passed in any case under this Part, satisfies the court that there are sufficient grounds for permitting him to withdraw the charge, the court may permit him to withdraw the same.” made by Mr. Thompson Titus, for the State, the Court withdraws this case on the following ground:


- (1) That the matter may be file and register in the Magistrate Court for plea as a new case.

DATED at Port Vila this 11<sup>th</sup> October, 2022.

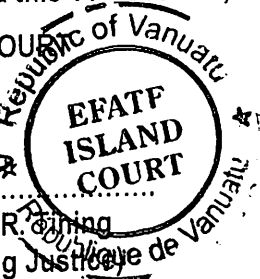
BY THE COURT

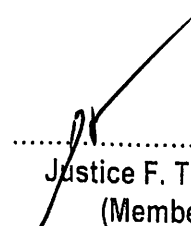


Justice S. Paton  
(Member)



Justice R. Tining  
(Presiding Justice)





Justice F. Thomas  
(Member)