

BETWEEN: Public Prosecutor  
Claimant

AND: Tonny Kaltapau Poilapa  
Defendant

*Date of Hearing: Tuesday 25<sup>th</sup> November, 2025 – Time: 10:00 Hours*

*Venue: Efate Island Court – Court-Room, Joint-Court Ontop, Port-Vila*

*Before: Justice Roy Tining (Presiding Justice)*

*Justice Thomas Shem Arlie (Member)*

*Justice Serah Paton (Member)*

*Island Court Clerk: Alida Tchivi Alain*

*In Attendance: Public Prosecutor, represented by Mr. Beeman Sahe*

*In Absence: The Defendant*

*Copy: Court File*

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**WITHDRAWAL ORDER**  
(Section 129, Criminal Procedure Code CAP 136)

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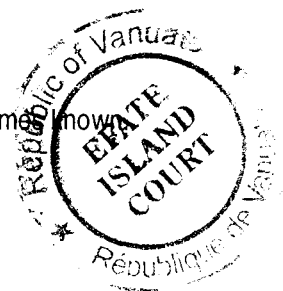
Introduction

This matter came before the Efate Island Court on Tuesday, 25 November 2025, at 10:00 a.m., held at the Joint Court Building, Port Vila. The State was represented by Mr. Beeman Sahe, Public Prosecutor. The Defendant, Tonny Kaltapau Poilapa, was not in attendance.

Application for Withdrawal

The Public Prosecutor applied for the withdrawal of the proceedings pursuant to Section 129 of the Criminal Procedure Code [CAP 136], on the following grounds:

1. The authorities have been unable to serve summons on the Defendant due to his frequent movement and unclear residential address.
2. Without successful service, the matter cannot proceed.
3. The Prosecution may reinstate the matter once the Defendant's address becomes known.



Consideration of the Court

The Court accepted that reasonable efforts were made to locate the Defendant and that his whereabouts remain uncertain. Section 129 CPC allows the withdrawal of a case prior to judgment, and the Court is satisfied that the application was made lawfully and in the interests of justice.

Orders of the Court

Accordingly, the Court orders:

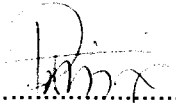
1. The proceedings in Case No. 23/133 IC/CRML are formally withdrawn.
2. The Defendant, Tonny Kaltapau Poilapa, is discharged.
3. The Prosecution may reinstate the matter when the Defendant's address is confirmed.

**DATED at Port Vila this 25<sup>th</sup> November, 2025**

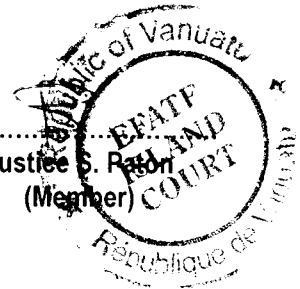
**BY THE COURT**



Justice T. Shem Arlie  
(Member)



Justice R. Tining  
(Presiding Justice)



Justice S. Rason  
(Member)