

Between : PUBLIC PROSECUTOR

And : NOEL SIAKE
Defendant

Coram: Mr. Justice Frederick G. Cooke, Chief Justice,
Mr. U. Bani Bani, Assessor,
Mr. P. Malsunga, Assessor,
Mr. F. Coté, Prosecutor,
Mr. Hudson, Defence Counsel,
Miss J. Walsh, Chief Registrar,
Miss M. Leona, Interpretar,
Mr. Joel Bisai, Interpretar.

JUDGMENT

The accused was charged on two charges under the Penal Code.

1. That on or about the 3rd of February 1982 at Port Resolution, Tanna did wilfully and unlawfully set fire to his father's house.
2. That on or about the 3rd of February 1982 at the same place did intentionally assault his father by throwing stones at him and causing injury of a temporary nature.

His trial came on for hearing on the 3rd of March, 1982 when the accused pleaded guilty to the two charges.

The Public Prosecutor in stating the facts mentioned that the accused had a girl friend but his father who was Chief of the area, would not let him marry her and made him marry another girl.

On the 3rd of February, 1982, there was a dance at the village of Port Resolution. The accused gave his wife permission to go to the dance and that he would sleep and await her return but that if she wanted to sleep at Solwater, a place seemingly near to the dance, she was to return and inform him and he would come and sleep in that area with her. The wife did not return and when the accused awoke and did not find her at the house, he went to look for her and found her on the road on the way home. He was annoyed and twisted her arm. The wife cried out and the accused's father heard the cry and came running to the place and saw the altercation between the accused and his wife. The father scolded the accused, telling him he might injure the child the girl was carrying and hit/so that he fell to the ground. The accused ran to a place where there was a heap of stones. He threw some of the stones at the father and some hit him. It was dark so it was purely by chance that some stones hit the father causing him to lose consciousness. Some villagers then came and carried the father to his house. The injuries to the father were not serious.

Later the accused set fire to an old kitchen belonging to his father.

This was obviously a family dispute and the assessors and myself were of the view that the father was interfering too much into the affairs of the young couple.

I accepted the accused plea of guilty and convicted him on the two charges.

On discussing the matter with the assessors I found I was in agreement with them, that the accused should be given a chance as he had no previous convictions and the two charges arose out of a family dispute.

I therefore, instead of passing a sentence on the accused, under Section 42 (1) of the Penal Code ordered the accused to appear for sentence should he commit any other offence between to-day's date and the 3rd of March, 1984

Frederick G. Cooke

Frederick G. Cooke.

CHIEF JUSTICE

Dated at Vila this 3rd day of March, 1982.

