

PUBLIC PROSECUTOR -v- MOISE KALORIS KALO

JUDGMENT

In the application for Habeas Corpus, Mr Coombe has referred me to various sections of our Criminal Procedure Act, to English cases and to the Magna Charta and I accept what has been stated in such but the crux of this matter was that the Defendant was summoned to appear before the learned Senior Magistrate and when his case was called, he was not in Court, resulting in the issue of a warrant of arrest with reference to bail at 4,000VT. What happened at the time of the arrest I do not know. Counsel merely states what his client has told him but I cannot accept that as the absolute truth without hearing what the police officers did and said to the accused. Both sides would have to be heard, in fact that was one of the complaints of Mr Coombe that his client was not given the opportunity of being heard. How can he now expect me to accept what his client says and no more.

When the matter came before Magistrate Wycliffe Tagar, he was not compelled to grant bail to the Defendant and in fact did not do so. The remand period is ten clear days which, as the learned Public Prosecutor has stated, would be to-day and therefore I hold that the Defendant was not unlawfully detained and dismiss the application for Habeas Corpus.

I grant bail to the Defendant in the sum of 4,000VT. The Defendant to appear before the Magistrate at 10 a.m. on the 10th day of June 1987.

Dated at Vila this 9th day of June, 1987.



Frederick G. Cooke
CHIEF JUSTICE