

**IN THE SUPREME COURT OF  
THE REPUBLIC OF VANUATU**  
(Criminal Jurisdiction)

Criminal Case No. 107 of 2009

**PUBLIC PROSECUTOR**

**-v-**

**ERIC NATUMAN**

*Mr. Eric Molbaleh for the State  
Mr. Andrew Kausiama for the Defendant*

**ORDERS**

Prosecution seeks leave to withdraw the charge against defendant who is charged with Unlawful Sexual Intercourse under Section 90 and 91 of the Penal Code and an offence of Threats to Kill contrary to section 115 of the Penal Code. Application is made pursuant to Section 129 of the Criminal Procedure Code which is under PART VI and relates to Magistrate Court Trials. There is no equivalent provision in Supreme Court Trial nevertheless counsel submits that the Court has power to grant leave.

Application granted. Defendant is discharged and ordered to be released.

**DATED at Port Vila, this 19<sup>th</sup> day of November, 2009.**

  
**D. FATIAKI**  
Judge.

