

**IN THE RESIDENT MAGISTRATES COURT**  
**AT SIGATOKA - SUMMARY JURISDICTION**

**Traffic Case No. 39 of 2018 & Misc. Case No 24/18**

**BETWEEN** : Greenfield Earthworks

**Applicant**

**AND** : Land Transport Authority

**Respondent**

**For the Applicant** : Mohammed Afraz

**For the Respondent** : Mr. Qalomaiwasa

Date and Place of Ruing : 24<sup>th</sup> September 2019 at Sigatoka

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***Ruling***

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1. The Respondent makes an application for the matters pending on behalf of the Applicant to be struck out on the basis that the election to defend was filed in the wrong jurisdiction.
2. This is a result of the alleged offending in traffic infringement Notice No.3259521 occurring at Korovuto, Nadi, whilst the alleged offending in traffic infringement Notice No.3403566 occurred at Raviravi, Ba.
3. The Applicant does not appear to dispute this but says that the registered place of business is in Sigatoka and that is the reason he filed at Sigatoka Magistrates Court.
4. The Traffic Infringement notices were issued under the embodiment of the ***Land Transport Authority (Traffic Infringement Notice) Regulations 2017***.
5. The relevant regulation is regulation 6 of the above named regulation which highlights at 6(c) that anyone who wishes to dispute must do so by electing to dispute the same in court.
6. Unfortunately Regulation 6 of the ***Land Transport Authority (Traffic Infringement Notice) Regulations 2017*** is not jurisdiction specific.
7. As a result the application by the representative of the Respondent cannot be upheld.

8. The result is that this court shall continue to have jurisdiction over the matter.
9. Be that as it may under the general authority of the courts pursuant to Section 32 of the *Criminal Procedure Act 2009* any issue of local jurisdiction shall not affect the validity of the matter.
10. Therefore, the application to strike out on the premise of want of jurisdiction is dismissed.
11. The court so orders.

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J.N. SAVOU  
Resident Magistrate