

Revisional Jurisdiction
Review No. 9 of 1982

IN THE MATTER OF THE
CRIMINAL PROCEDURE CODE

AND IN THE MATTER OF
CRIMINAL CASE NO. 103
OF 1982 BEFORE THE
MOALA MAGISTRATE'S COURT

REGINAM

Complainant

and

LAISENIA SUKA

Respondent

ORDER ON REVISION

On 24th September, 1982 before the Juvenile Court at Moala, Lau the respondent, a sixteen year old boy was charged with and found guilty of the offence of defilement of a girl between thirteen and sixteen years of age.

Upon such finding the learned Magistrate purported to commit the respondent to the Reformative Training Centre at Nasinu pursuant to the provisions of section 32(1)(g) of the Juveniles Act (No. 13 of 1972). After the order was made the learned Magistrate discovered that the legislation upon which he based his order has been repealed. He now seeks a review of the order he made in respect of the respondent.

I accept that the order made in the Court below was null and void and is accordingly set aside.

The case is remitted to the learned Magistrate concerned to make such order as the circumstances of the case require and according to law.

Chief Justice