

IN THE HIGH COURT OF KIRIBATI )  
CRIMINAL JURISDICTION )  
HELD AT BETIO )  
REPUBLIC OF KIRIBATI )

CRIMINAL CASE NO. 9 OF 2000

**THE REPUBLIC**  
**V.**  
**TEIWAKI KAIKAI**

**FOR THE REPUBLIC:**  
**FOR THE ACCUSED:**

**MR KIRATA KOMWENGA**  
**MS TAOING TAOABA**

**SENTENCE**

Teiwaki Kaikai: You have pleaded guilty to arson. On 25 November last year you set fire to a house at Tabiang village on Abemama.

You did this because of the way, on the morning of that day, the owner of the house had treated your 12 year old daughter. As the girl was passing by the owner offered to give her some money. When she approached him he caught her by the hands and kissed her on the nose. At the least this was uncalled for: it was really quite insulting.

When you heard about it you were angry. You went to the owner to ask him why he did that but he was not there. You went to the special constable to complain but were directed to the police officer to file a complaint.

Later in the day you were drinking sour toddy with friends. You went again to see the owner but he was not at his house so you set it on fire. The house was burnt down and some personal property, worth about \$50.00 was destroyed as well.

Ms Taoaba told me you had had a good reputation up to that time. You are married with 5 children. You have apologized to the family of the owner but not to the owner himself.

Arson, as the Court has often said, is a serious offence and quite prevalent. Normally it brings a sentence of imprisonment. Ms Taoaba referred me to several cases in which my predecessor Lussick CJ, suspended sentences of imprisonment in special circumstances.

Given the conduct of the owner earlier in the day, I accept that you were provoked. That explains but does not excuse, what you did. Yet I think I am justified in suspending the sentence of imprisonment.

You will be imprisoned for 12 months but the sentence will not take effect unless within a period of 2 years from today you commit another criminal offence.

Ms Taoaba will explain just what that means.



**THE HON ROBIN MILLHOUSE QC**  
**CHIEF JUSTICE**  
**(17 JULY 2000)**