



HIGH COURT OF KIRIBATI

Criminal Case N° 8/2019

THE REPUBLIC

v

TIRAE TABOKAI

Teanneki Nemta for the Republic

Reiati Temaua for the accused

FILE NOTE

- [1] The accused was charged with causing grievous harm *simpliciter*, contrary to section 220 of the *Penal Code* (Cap.67).
- [2] The information in this matter was filed on 26 March 2019. On 12 April counsel for the accused informed the Court that his client would be pleading not guilty and a trial date was allocated. When the trial commenced this afternoon, the information was amended and a charge of common assault, contrary to section 237 of the *Penal Code*, was substituted for the original charge.
- [3] Counsel for the prosecution informed the Court that her witnesses had not come. This was unexpected, as she had met with them only yesterday. An adjournment was requested, which application was opposed by defence counsel.
- [4] After a brief adjournment to allow counsel for the accused to confer with his client, counsel for the prosecution informed the Court that she now wished to enter a *nolle prosequi* on behalf of the Attorney-General under section 68(1) of the *Criminal Procedure Code* (Cap.17).
- [5] The accused is accordingly discharged.

[6] This file is to be closed.

Dated 28 May 2019.



Lambourne J
Judge of the High Court

