

IN THE DISTRICT COURT OF NAURU

Criminal Jurisdiction

Criminal Case No. 1186 of 1976

THE REPUBLIC

vs.

KEN FRITZ & DAMIEN RAMAEO GAUNIBWE

CHARGE:

1. Stealing: C/S 398 of the Criminal Code Act of Queensland (as adopted) 1899 - The First Schedule.

JUDGMENT:

The prosecution has led the evidence of Paul Kun Kee, a clerk in the N.P.C. Accounts Department, who has stated in his evidence that when he went to work on the 5th of August, 1976 he found the doors of the office open and things taken out from his drawer. He found his battery shaver and four cassette tapes missing.

Const. Nelson Tamakin, who investigated the case, has stated that entry to the office was made through the glass louvres and he found that the drawers were ransacked and some articles missing. He interviewed the two accused and after the usual warning and caution recorded their statements. He has tendered statements of the two accused as Exs. "X" and "Y" and the translations as Exs. "X¹" and "Y¹".

The defence did not call the accused and the only submission made by pleader for the accused is that the accused were threatened by the police to make their statements. The allegation that the accused were threatened by the police is not borne out by the evidence and I have no alternative but reject it.

On a perusal of Ex. "X¹" and Ex. "Y¹" there was no doubt whatsoever that the two accused did enter the office in question on the 5th of August, 1976 and removed the articles in question. None of these articles have been recovered. I see no reason to disbelieve witness Kun Kee's evidence that he lost a battery shaver and four cassette tapes. His evidence is amply supported by the statements of the accused. I, therefore, hold that the prosecution has proved the case beyond all reasonable doubt and I find the accused guilty and convict them.

9th November, 1976

R. L. DE SILVA
Resident Magistrate