

IN THE DISTRICT COURT OF NAURU

Criminal Jurisdiction

Criminal Case No. 1189 of 1976

THE REPUBLIC

vs.

APAIN RODIBEN EONGEN GADEOWA

CHARGE:

1. Driving under the influence of intoxicating liquor: C/S 21(1) of the Motor Traffic Act 1937-1973.

JUDGMENT:

The case for the prosecution is that on the 16th of October, 1976 the accused was detected driving a motor vehicle whilst under the influence of intoxicating liquor.

Police Const. Deharybe has stated in his evidence that on 16th October, 1976 at about 7.00 a.m. he saw the accused driving in Anabar. He was going in the same direction and the accused was in front. He found the vehicle driven by the accused going from side to side on the road. He followed him from Anabar to Yaren and at Yaren the accused, whilst trying to overtake a car in front of him, nearly collided with a car coming from the opposite direction. He stopped the accused and inquired from him as to why he was driving from side to side on the road and why he nearly collided with the oncoming car. The accused was intoxicated and just before he was stopped he saw the accused drinking a can of beer whilst driving. He took the accused to the police station and later to the hospital for examination. The prosecution tendered Ex. "A", the report of the medical officer who examined the accused and the report is to the effect that his ability to drive was impaired and the effects of alcohol was slight.

The accused gave evidence and according to him he started drinking from 5.00 p.m. to 3.00 a.m. the following morning and during this period of time he consumed about 36 small cans of beer. He was on his way to give the key to his workers as he was not going to work that morning because of a headache.

The accused had not denied the evidence of the police officer that he was driving on the road from side to side. Nor has he denied that at the time of detection he was under the influence of intoxicating liquor.

I accept the evidence of Const. Deharybe whose evidence as to the state of the accused is supported by Ex. "A". I, therefore, hold that the prosecution has proved its case beyond all reasonable doubt and I find the accused guilty and convict him.

9th November, 1976

R. L. DE SILVA
Resident Magistrate