

IN THE DISTRICT COURT OF MAURU

Criminal Jurisdiction

Criminal Case No. 1360 of 1976

THE REPUBLIC

vs.

ALEC STEPHEN

CHARGE:

1. Driving a motor vehicle at a speed exceeding thirty miles per hour: C/S 28(a) of the Motor Traffic Act 1937-1973.
2. Driving with one head light: C/S 29(a) of the Motor Traffic Act 1937-1973.

JUDGMENT:

The prosecution has led the evidence of two police officers, Sgt. Perry Kapua and Const. David Uera.

It is in evidence that these police officers were on patrol duty on 11th September, 1976 at about 7.30 p.m. in Meneng District. When they were travelling towards Meneng and when they were about 500-600 yards from the airstrip, the post office van was seen travelling ahead of them towards Meneng. At one stage the van stopped and when it proceeded again it started gathering speed. At that stage the police patrol car travelled about 15 yards behind the van and when they reached the junction leading to the Government Settlement, the van was travelling over 40 miles per hour. Opposite the Meneng Church the speedometer of the police vehicle recorded 50 miles per hour. At that stage the van was stopped and Sgt. Kapua went up to the accused and questioned him as to why he was travelling fast. The reply given by the accused was that there was nobody on the road. It was also noticed that the vehicle had only one headlight.

Police Const. Uera, who was the driver of the police vehicle, has stated in his evidence that at the junction his speedometer read 50 miles per hour. Sgt. Perry Kapua has also stated in his evidence that at the junction the speedometer read 50 miles per hour. These two police officers corroborate each other on all material particulars.

The accused has given evidence and his position is that he was travelling at 45 kilometres per hour when he was stopped.

He has admitted that one headlight was defective. He has also led the evidence of a witness who was in the van at the time of detection who corroborates him on the point as regards his questioning the police officer whether it was fast to travel at 45 kilometres per hour.

I have examined the defence version of the incident very carefully and I am more inclined to accept the evidence of the two police officers. I was satisfied with their demeanour. I, therefore, reject the evidence tendered by the defence and I hold that the prosecution has proved Counts 1 and 2 beyond all reasonable doubt and I find the accused guilty and convict him.

R. L. DE SILVA
Resident Magistrate

2nd December, 1976