

IN THE DISTRICT COURT OF NAURU

Criminal Jurisdiction

Criminal Case No. 260 of 1978

THE REPUBLIC

v.

AKEIYEMAN HERCULES ADEANGO

CHARGE: Negligent Driving: C/S 19(1) of the Motor
Traffic Act 1937-1973.

JUDGMENT:

The case for the prosecution is that on the 7th March, 1978, at about 2.00 p.m., the accused reversed his motor vehicle and crashed into a car driven by witness Magno.

According to witness Magno, he was driving a van and following a car about 20 feet behind at a speed of 20 m.p.h. when it suddenly stopped on the main road in Boe District. It stopped ten feet ahead of him. The driver of that car was talking to a driver of another car who had stopped on the road. The car in front reversed but although he blew his horn, it crashed onto the front of his vehicle. The driver of the other car got off and approached him and asked him what had happened. The two headlights and brake fluid pipe of his car were broken. The driver was the accused.

The passenger in the motor car, witness Batatan, has corroborated his evidence on all material particulars. He, too, has referred to the other car that stopped and that the accused spoke to the driver. According to him, the car in front suddenly reversed and bumped into the front of their van.

The accused has given evidence denying that he reversed and comes up with the position that it was the other car that crashed onto the rear of his car. However, it has been elicited in cross-examination that in his

statement to Constable Andre Notte, he has stated that he reversed his car.

The defence has led further evidence and a witness Adam has stated that he was standing in front of his house at the relevant time on the day in question when he noticed a red truck stationary opposite the road opposite his house. He saw the accused get down from it and according to him, the car that was behind hit the red truck.

In cross-examination this witness has stated that it was the accused who asked him to give evidence. I have examined the evidence of this witness very carefully and I find that although he has stated that he saw the car that was behind hit the car in front, he has not noticed the driver of the car in front speaking to the driver of a vehicle that was halted on the road. This omission, in my view, exposes the credibility of this witness. If he noticed in detail the entire incident, I cannot conceive as to how he could have omitted seeing a vehicle stopped on the road and the driver of the car in front speaking to the driver of that vehicle. I, therefore, reject his evidence without any hesitation as being the evidence of a very convenient witness for the defence and being unworthy of credit. I also reject the evidence of the accused whose evidence has not been corroborated by his witness Adam.

I accept the evidence of the two prosecution witnesses as I was more than impressed by their demeanour in the witness box and I am satisfied that both witnesses were speaking the truth. I, therefore, hold that the prosecution has proved its case beyond all reasonable doubt and I find the accused guilty and convict him.

R. L. DE SILVA
Resident Magistrate

14th June, 1978