

IN THE SUPREME COURT OF NAURU

Criminal Jurisdiction

Criminal Appeal No. 7 of 1976

NOEL KAMTAURA,

Appellant

vs.

DIRECTOR OF PUBLIC
PROSECUTIONS,

Respondent

10th August, 1976 at 9.30 a.m.

In Court

Before Mr. Justice I. R. Thompson, Chief Justice.

For the Appellant: Mr. K. Aroi.

For the Respondent: Sub-Insp. D. Gioura.

Appellant present.

AROUI: The sentence is severe*. The appellant has a good record. The Magistrate did not take this into consideration.

There was a general panic by the Magistrate to imprison persons guilty of stealing petrol. The Magistrate's concern is understandable but each case should be treated individually. Similar sentences were imposed on people with good records and those with poor records. 3 months' imprisonment was severe for persons with good records.

GIOURA: My remarks in Criminal Appeal No. 6 of 1976 apply in this appeal also, i.e. that there was a severe shortage of petrol and that deterrent sentences was needed.

JUDGMENT:

The offence invites a sentence of imprisonment. Each offence must be looked at separately as must each offender's circumstances. In this case the appellant was caught inside the Works Department Compound stealing public property. In those circumstances the sentence of three months' imprisonment was neither wrong in principle nor too severe.

The appeal is dismissed.

10/8/76.

I. R. THOMPSON
Chief Justice

* (Sentence: 3 months' imprisonment for stealing).