

POLICE v. SIONE FIFITA
v. ASUI HEA
v. MAFI LELENOA

(Criminal Appeals : Hunter J. Ha'apai, 25th August, 1954).

Summons containing more than one charge — Invalid — The Magistrate's Act 1919 (Cap. 6) S. 13.

By consent these three appeals were heard together. In each of the summonses three offences were charged.

(1) Stealing (2) Conspiracy (3) Unlawfully on enclosed premises at night. The Magistrate convicted each accused. The accused appealed.

HELD. The convictions were bad. Each summons must be for one offence only. The Magistrate's Act 1919. Section 13.

Pousima appeared for the Appellants (accused).

Hama appeared for the Respondents (Police).

Pousima. I objected in the Lower Court to these charges being included in one summons. The Magistrate over ruled my objection. Section 13 Cap. 6 forbids this.

Hama : This has been the practice for some time; previous judges have allowed more than one count in a summons.

HUNTER J. : I uphold the appeals and quash the convictions in each case. I order the appeal fees to be refunded in accordance with Cap. 6 Section 23 (2).