

BETWEEN: Public Prosecutor
Claimant

AND: Roger Mael
Defendant

Date of Hearing: Tuesday 26th September, 2023
Date of Judgement: Tuesday 26th September, 2023 at 9:56 am
Venue: Efate Island Court – Court-Room, Joint-Court Ontop, Port-Vila
Before: Justice F. Thomas (Presiding Justice)
Justice L. Sakita (Member)
Justice R. Tining (Member)
Island Court Clerk: Alida ALAIN
In Attendance: Both Parties
Copy: Court File

SENTENCE

HAVING Read and Heard Mr. Beeman Sahe for the State, and the Defendant Mr. Roger Mael, the defendant pleads not guilty to the charge of (1) **Careless Driving** - Contrary to Section 14 of the Road Control Traffic Act Cap 29.
The same defendant pleads guilty to the charge of (2) **Unintentional Harm** - Contrary to Section 108(a) of the Penal Code Act Cap 135.

ACCORDINGLY, the Court withdraws the charge of "Careless Driving" under Section 129 of the Criminal Procedure Code CAP 136 – Part 6 that read as follows: "Withdrawal of charge - If a prosecutor, at any time before a final order is passed in any case under this Part, satisfies the court that there are sufficient grounds for permitting him to withdraw the charge, the court may permit him to withdraw the same" and sentence the Defendant as follows:

1. That the Defendant, Roger Mael, must pay a fine of VT 10'000.
2. That the Defendant, must pay Prosecution costs of VT 1'000.
3. That the Defendant to pay the court fine and the Prosecution cost before or by 15/10/2023 directly to Vanuatu Government Cashier and must provide copy of the payment receipt to the office of the Efate Island Court for records purposes.
4. That the Defendant has 30 days to appeal this sentence if he is not satisfied with it.

DATED at Port Vila this 26th September, 2023.

BY THE COURT

Justice F. Thomas
(Presiding Justice)

Justice L. Sakita
(Member)

Justice R. Tining
(Member)