

BETWEEN: Public Prosecutor
Claimant

AND: Benny Wilbur and Pierre Roses Kelly
Defendants

Date of Hearing: Tuesday 25th November, 2025 – Time: 10:00 Hours

Venue: Efate Island Court – Court-Room, Joint-Court Ontop, Port-Vila

Before: Justice Roy Tining (Presiding Justice)

Justice Thomas Shem Arlie (Member)

Justice Serah Paton (Member)

Island Court Clerk: Alida Tchivi Alain

In Attendance: Public Prosecutor, represented by Mr. Beeman Sahe

In Absence: The Defendants

Copy: Court File

WITHDRAWAL ORDER

(Section 129, Criminal Procedure Code CAP 136)

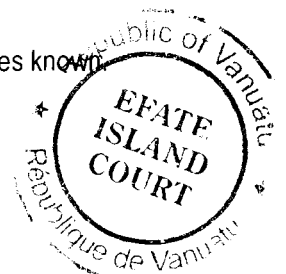
Introduction

This matter came before the Efate Island Court on Tuesday, 25 November 2025, at 10:00 a.m., held at the Joint Court Building, Port Vila. The State was represented by Mr. Beeman Sahe, Public Prosecutor. The Defendants, Benny Wilbur and Pierre Roses Kelly, was not in attendance.

Application for Withdrawal

The Public Prosecutor applied for the withdrawal of the proceedings pursuant to Section 129 of the Criminal Procedure Code [CAP 136], on the following grounds:

1. The authorities have been unable to serve summons on the Defendants due to his frequent movement and unclear residential address.
2. Without successful service, the matter cannot proceed.
3. The Prosecution may reinstate the matter once the Defendants's address becomes known.



Consideration of the Court

The Court accepted that reasonable efforts were made to locate the Defendants and that his whereabouts remain uncertain. Section 129 CPC allows the withdrawal of a case prior to judgment, and the Court is satisfied that the application was made lawfully and in the interests of justice.

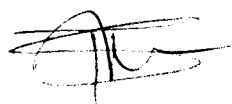
Orders of the Court

Accordingly, the Court orders:

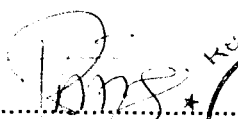
1. The proceedings in Case No. 24/1939 IC/CRML are formally withdrawn.
2. The Defendants, Benny Wilbur and Pierre Roses Kelly, is discharged.
3. The Prosecution may reinstate the matter when the Defendants's address is confirmed.

DATED at Port Vila this 25th November, 2025

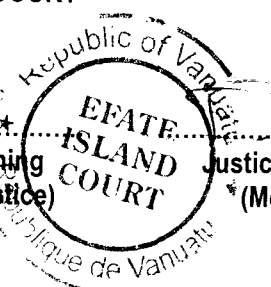
BY THE COURT



Justice T. Shem Arlie
(Member)



Justice R. Tining
(Presiding Justice)



Justice S. Paton
(Member)