



## HIGH COURT OF KIRIBATI

*Criminal Case N° 50/2017*

**THE REPUBLIC**

**v**

**KABUTA IOOBU**

*Tewia Tawita for the Republic  
Ryan West for the accused*

### **FILE NOTE**

- [1] By information filed on 22 June 2017, the accused was charged with 1 count of defilement of an idiot or imbecile, contrary to section 135(b) of the *Penal Code*.
- [2] That information did not comply with section 70 of the *Criminal Procedure Code*, and the Attorney-General filed a fresh information on 28 September 2018. This information added a second count, charging the accused with sexual intercourse with a collateral, contrary to section 158(1) of the *Penal Code*. A further information was filed by the Attorney-General on 25 October 2018, which expressed what had been count 2 as an alternative to count 1.
- [3] Counsel for the Republic has today stated in court the Attorney-General's desire to enter a *nolle prosequi* under section 68(1) of the *Criminal Procedure Code*.
- [4] The accused is accordingly discharged.
- [5] This file is to be closed.

Dated 15 April 2019.

  
**Lambourne J**

Judge of the High Court

