



## HIGH COURT OF KIRIBATI

*Criminal Case N° 36/2018*

### THE REPUBLIC

v

### IEETE KARETAAKE

*Tewia Tawiita for the Republic*  
*Banuera Berina for the accused*

### FILE NOTE

- [1] By information filed on 24 October 2018, the accused was charged with 1 count of sexual intercourse by a person in a position of trust, contrary to section 155A(1) of the *Penal Code* (Cap.67), and 1 count of abduction, contrary to section 131 of the *Penal Code*.
- [2] On 14 December, counsel for the accused advised that his client would be pleading not guilty to the charges, and the matter was fixed as the second trial for the week commencing 10 June. The trial was not able to be heard that week, and was subsequently re-listed for 30 September.
- [3] Yesterday, on what was to have been the first day of the trial, counsel for the prosecution advised that the complainant had not attended Court, despite having indicated the previous day her willingness to do so. I granted an adjournment to give the prosecution an opportunity to find the complainant.
- [4] When the matter resumed this morning, counsel for the prosecution advised that efforts to locate the complainant had been unsuccessful. She then informed the Court that she wished to enter a *nolle prosequi* on behalf of the Attorney-General under section 68(1) of the *Criminal Procedure Code* (Cap.17).

[5] As the Republic intends that these proceedings not continue, the accused is accordingly discharged.

[6] This file is to be closed.

Dated 1 October 2019.

  
**Lambourne J**  
Judge of the High Court

