

IN THE DISTRICT COURT OF NAURU

Criminal Jurisdiction

Criminal Case No. 899 of 1976

THE REPUBLIC

vs.

GEORGE BRAY TED TEDDY DABUAE

CHARGE:

1. Being in a dwelling house without lawful excuse. C/S. 424A(a) of the Criminal Code Act 1899 of Queensland - The First Schedule.
2. Stealing. C/S. 398 of the Criminal Code Act 1899 of Queensland - The First Schedule.

JUDGMENT:

The case for the prosecution is that the accused on the 10th September, 1976 entered the dwelling house of Mr. Newby and stole four bottles of wine.

The prosecution has led the evidence of John Houlton, who was looking after Mr. Newby's house during the period that Mr. Newby was out of the Island on sick leave. According to witness Houlton, on the day in question at about 7.00 p.m. when he was in the bathroom he heard the noise of an intruder taking bottles from the drinks cupboard. The intruder was the accused and he asked him to put the bottles back. He put two bottles back and the accused who was after liquor left the house. He then rang the Police. The accused took away four bottles.

The prosecution also led the evidence of Mr. Newby that he did not give permission to the accused to enter his house during the period he was away nor had he given him permission to remove anything from the house.

I accept the evidence of the two prosecution witnesses and I am satisfied that the accused did enter the house of Mr. Newby on the 10th of September, 1976 and stole four bottles of wine. I, therefore, hold that the prosecution has proved its case beyond all reasonable doubt and I find the accused guilty on both counts and convict him.

18th October, 1976.

R. L. DE SILVA
Resident Magistrate