

IN THE DISTRICT COURT OF NAURU

Criminal Jurisdiction

Criminal Case No. 1104 of 1976

THE REPUBLIC

vs.

AROBWIT KAM

**CHARGE:**

1. Driving a Motor Cycle at a speed exceeding thirty miles per hour: C/S 28(a) of the Motor Traffic Act 1937-1973.
2. Driving without front number plate: C/S 23(1)(a) of the Motor Traffic Act 1937-1973.

**JUDGMENT:**

The case for the prosecution is that the accused, on 24th August, 1976, drove a motorcycle on the Public Highway at a speed exceeding 30 miles per hour.

The prosecution has led the evidence of Sgt. Perry Kapua who has stated that when the accused went past him he noticed that he was driving at a fast speed and he went after the accused. Near Boe District the motorcycle started to gain speed. He recognised the accused opposite the Civic Centre and when he checked the speed he was driving between 40-50 miles per hour. He stopped the accused opposite the Orro Church and advised that he was reporting him for speeding and for not having a number plate.

The accused has given evidence and has stated that when he was opposite the Civic Centre he noticed the car behind. At that stage he was traveling at 30 kilometres per hour. He was stopped opposite the Orro Church by Sgt. Perry Kapua and he was advised that he would be reported for speeding and for not having a number plate.

Mr. Kun of the defence has submitted that they have no corroboration of the police officer's evidence. Corroboration of a witness is not absolutely necessary and the Court can act on an evidence that is not corroborated. In this case there is the evidence of Sgt. Perry Kapua who has stated that the accused was traveling in excess of 30 miles per hour and when he checked the speed it was between 40-50 miles per hour. This evidence alone is sufficient to come to a finding that the accused was traveling over 30 miles per hour.

I accept the evidence of Sgt. Perry Kapua and I hold that the prosecution has proved beyond reasonable doubt that the accused on the day in question had traveled at a speed in excess of 30 miles per hour. I find the accused guilty and convict him.

5th November, 1976

R. L. DE SILVA  
Resident Magistrate