

IN THE SUPREME COURT OF NAURU
Criminal Jurisdiction
Criminal Appeal No. 20 of 1978

INGINBEN KUN, KARIM GOURAB
& MICHAEL QUADINA

Appellants

v.

DIRECTOR OF PUBLIC PROSECUTIONS

Respondent

19th May, 1978 at 2.50 p.m.

In Court

Before Mr. Justice I.R. Thompson, Chief Justice

For the Appellants: Mr. G. Star

For the Respondent: D. Gioura

COURT: In respect of Appellants 1 and 2, I intend to make an order in the same terms as in Criminal Case No. 4 of 1978.

MR. GIOURA: No objection.

JUDGMENT:

In respect of Appellants 1 and 2, appeal allowed, in view of course taken in CRiminal Case No. 4 of 1978. The sentences of imprisonment imposed on those appellants are set aside; I order in respect of all offences that they each be discharged upon entering into a recognisance in the sum of \$100 without surety to keep the peace and be of good behaviour for two years from to-day and to appear and receive judgment of the District Court at any time during that period if called upon to do so.

I.R. THOMPSON
Chief Justice

MR. STAR: Appellant 3 has not been in trouble before. He has parents living. He is due to marry as soon as he can afford to do so. He is unemployed but is seeking employment. His last job was as a marine hand with the N.P.C.

COURT: Has he applied for any job?

MR. STAR: He is thinking about applying for a job with Works Department. He has not actually applied.

COURT: The hearing will be adjourned to give him a chance to apply. Pastor Aingimea may be able to help him.

ORDER: Hearing in respect of Appellant 3 adjourned until 24th May, 1978 at 9.00 a.m. Bail enlarged.

I.R. THOMPSON
Chief Justice

19/5/78

24th May, 1978 at 9.35 a.m.

In Court

For Appellant: -

For Respondent: Mr. D.G. Lang, D.P.P.

Appellant 3 present.

COURT: Has appellant 3 obtained a job?

APPELLANT 3: I have applied for jobs and have been told that I will be contacted later.

PASTOR AINGIMEA: That is correct. I think that he will be offered a job in due course.

JUDGMENT:

This appellant is a first offender. It would be inappropriate for him to go to prison when his co-appellants have been dealt with otherwise, being persons with many previous convictions.

The sentence of imprisonment imposed on him is set aside. I order that he be discharged upon his entering into a recognisance in the sum of \$100 without surety to keep the peace and be of good behaviour for two years and to attend before the District Court to receive sentence at any time during the period if called upon to do so.

I.R. THOMPSON
Chief Justice

24/5/78