

REPUBLIC

V

NEI BEIATAU TEKANANG

The accused is charged with Fraudulent conversion c. to s. 271 (1)(c)(i) of the Penal Code, with an alternative of aiding or abetting Conversion, and on the second count she is charged with attempting to obtain by False Pretences c. to s. 301 (a) and 372 of the Penal Code. There is a further charge of attempting to obtain by false pretences as count three.

Count 1 charges her with converging \$240 and the alternative charges her with aiding and abetting Been Rimon to fraudulently convert \$240.

The charges of attempting to obtain by false pretences relate in count two to the use of a Telmos for \$150 and in count three to the amount of a telmo for \$90.

It is for the prosecution to prove the guilt of the accused beyond a reasonable doubt.

Nei Beiatau was employed at the post office as a clerk. According to Been Rimon she told him that she was Treasurer of an organisation which required her to produce money which she had in her custody. She asked him to give her \$240 from the government funds. He did so on the understanding that she would pay this back. She did not pay it back and denied ever having had it. Been himself was charged and convicted of conversion.

He is therefore an accomplice. He said that the Telmos were used to cover the shortage.

Peter Matang was the superior officer of Beiatau and Been. He interviewed her and at first in his evidence he said that she admitted receiving the \$240 and owing it to Been. However in cross examination he said that he was mistaken about this and she did not so admit. This is an inexplicable state of affairs. It is difficult to believe that he could make an elementary mistake like this.

Nei Beiatau told the court that she denied the charge. She was unshaken in cross examination.

At the end of the day it is her word against Beens. Been is an accomplice on his own admission and as a matter of practice corroboration must be looked for. There is no such corroboration and it would be dangerous to convict without it.

Nei Beiatau is acquitted on all charges.

R. G. Topping
Judge.

