

IN THE DISTRICT COURT OF NAURU

Criminal Jurisdiction

Criminal Case No. 518 of 1977

THE REPUBLIC

v.

MENU ATUAIYA

CHARGE:

Negligent driving: C/S 19(1) of the Motor
Traffic Act 1937- 1973.


JUDGMENT:

It is clear from the evidence of Mrs. Itsimaera that on the evening of the 16th August, 1977 the accused nearly ran into her car. Her evidence is that when she was driving from Anetan to Ewa, she saw the accused on the highway opposite the 3 in 1 Store driving a government truck towards them. He had to take a curve and as he passed the curve he kept driving towards her car on the wrong side of the road. She also noticed that the accused was drinking something from a plastic container and looking down towards the steering wheel. She stopped her car but the accused kept on coming towards them and she grabbed her child and ducked. She saw the accused going past her car very close to her car. She chased after the accused and spoke to him and asked him whether he did not see her. The accused had replied that he was looking at the sea as he wanted to go fishing.

The very statement of the accused that he was looking at the sea, apart from the other evidence, shows utter negligence on the part of the accused who was driving a motor vehicle on the public highway.

I accept the evidence of the prosecution witness. There is no evidence, however, that what the accused was drinking from a plastic container was beer or a soft drink.

The evidence, however, reveals that the accused had not taken due care and precaution whilst negotiating a curve on the public highway ⁱⁿ the safety of others and has driven his vehicle in such a manner that was negligent. I, therefore, hold that the prosecution has proved beyond all reasonable doubt that the accused drove his truck on the day in question in a negligent manner and very nearly collided with the car of the prosecution witness. I, therefore, find the accused guilty under section 19(1) of the Motor Traffic Act and convict him.



R. L. DE SILVA
Resident Magistrate

5th January, 1978.