

DISTRICT COURT  
CRIMINAL CASE NO. 400/80

THE REPUBLIC V. ALFRED IKA

JUDGMENT

ACCUSED ADMITS OF THE CHARGE OF DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR. FACTS DISCLOSED IN THE PROCESS OF HIS DRIVING UNDER THE INFLUENCE OF LIQUOR THAT HE WAS SPEEDING AND WITH THAT DRIVING, HE BRAKED THE VEHICLE, SKIDDED AND COLLIDED INTO THE REAR OF THE ONCOMING CAR FROM THE OPPOSITE DIRECTION BY GOING OFF HIS CORRECT LINE OF THE ROAD. HE DOES NOT STOP FOR LONG THERE EVEN TO EXPRESS REGRET TO THE OTHER VEHICLE. HE PROCEEDS FURTHER ON WITH THE OTHER MAN SO HIT, FOLLOWING HIM UP AND OBSERVED THE ACCUSED WAS UNDER THE INFLUENCE OF LIQUOR. AT THE PETROL STATION WHERE HE HAD STOPPED HIS CAR. IT IS THEN HE REPORTS TO THE POLICE. POLICE ON INVESTIGATION FOUND THE ACCUSED WAS DRIVING WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR. HE HAD ALL THE FEATURES OF BEING IN A DRUNKEN STATE. ACCUSED ADMITS ALL THIS. HE IS NO FIRST OFFENDER. HE HAS BEEN CONVICTED AND SENTENCED MORE THAN ONCE FOR A NUMBER OF OFFENCES THE LATEST BEING IN 1977. AS REPRESENTED BY HIS COUNSEL, MRS L. BILLEAM, HE APPEARS TO HAVE A PROBLEM WITH ALCOHOL, PERHAPS AN ALCOHOLIC AS COULD BE GATHERED.

THE ONLY REAL MITIGATING CIRCUMSTANCES IS THAT HIS WIFE APPEARS TO BE ILL AND THE SERVICES OF ACCUSED WOULD BE DENIED TO HER AND THAT IT SHOULD HAVE BEEN A MUCH REASONABLE SENTENCE. IT IS TO BE OBSERVED, ACCUSED IS CHARGED WITH A SIMILAR OFFENCE IN CRIMINAL CASE 407/80 WHERE ALSO HE HAS PLEADED GUILTY.

WITH THESE OBSERVATION AND CIRCUMSTANCES, I CONVICT THE ACCUSED FOR THE OFFENCE U/S 21 (1) OF THE MOTOR TRAFFIC ACT AND SENTENCE HIM TO THREE MONTHS IMPRISONMENT WITH HARD LABOUR.

HIS DRIVING LICENCE IS SUSPENDED IN A PERIOD OF ONE YEAR FROM THIS DAY.

G.P. JAGADEESH,  
RESIDENT MAGISTRATE  
7/1/80