

REPUBLIC

V

Vincent Scotty

Date of Hearing: 17 February 2016

Date of Judgement: 17 February 2016

Mr. David Tonganivalu Director Public Prosecutions for the Republic
Mr. Vinci Clodumar for the defendant

RULING

1. The defendant is charged with the offence of Unlawful Publication of Defamatory matter contrary to section 380 of the Criminal Code 1899. Section 380 of the Criminal Code 1899 reads:

"Any person who unlawfully publishes any defamatory matter concerning another is guilty of a misdemeanor, and is liable to imprisonment for twelve months, and to a fine of three hundred pounds.


If the offender knows the defamatory matter to be false, he is liable to imprisonment with hard labor for two years, and to a fine of five hundred pounds."¹

2. The trial into this matter began on the 16 February 2016. The complainant had already given evidence. After the complainant had given evidence, the prosecution has sought an adjournment to clarify certain things that arose in the evidence during cross-examination.
3. For the reasons noted in the record during the hearing in chambers with both counsel present I disqualify myself from further continuing with the hearing of this matter.
4. I therefore exercise the powers conferred on the District Court under section 160(1) of the Criminal Procedure Act 1976 to stop the trial of this matter and conduct a preliminary inquiry. For the reasons that I have disqualified myself and also that the Law on defamation is a complex area that involves a series of dainty distinction.

¹ Section 380 of the Criminal Code 1899

5. Having heard the evidence, and having read the documents tendered by the prosecution, I find that there is sufficient evidence to put the defendant to stand trial for the offence of Unlawful Publication of Defamatory Matter contrary to section 380 of the Criminal Code 1899.

Dated this 17 February 2016


Emma Garo
Resident Magistrate

