



**IN THE SUPREME COURT OF NAURU
AT YAREN
[CRIMINAL JURISDICTION]**

Criminal Case No. 02 of 2023

BETWEEN: THE REPUBLIC PROSECUTION

AND: KAUWEN ALIKLIK ACCUSED

BEFORE: Keteca J

Date of Hearing: 10th December 2025

Date of Judgment: 06th February 2026

Catchwords: Causing Harm to Police Officer: Contrary to Section 77(a) (b) (c) (d) and (ii) of the Crimes Act (**the Act**) 2016.

Appearances:

Counsel for the Prosecution: **M. Suifa'asia**

Counsel for the Accused: **R. Tagivakatini**

JUDGEMENT

BACKGROUND

1. The Accused is charged with the following offences:
 - i. 2 Counts of Causing Harm to Police Officer: Contrary to Section 77(a) (b) (c) (d) and (ii) of the Crimes Act (**the Act**) 2016.
 - ii. 1 Count of Risking Harm with Intent to Avoid Apprehension: Contrary to Section 84(1) (a) (b) (ii) (c) (d) the Act;

- iii. 1 Count of Damaging Property: Contrary to Section 201(a) and (b) of the Act.
2. On 21st November 2025, I ruled that he had a case to answer on count 1– Causing harm to a Police Officer where it is alleged that on the 08th of January 2023, he ‘intentionally engaged in conduct, namely, biting the inside flesh of the right thumb of police officer Freeman Deireragea.’
3. The accused opted to give sworn evidence.

THE LAW

4. The elements of this offence are:

Section 77 - Causing Harm to Police Officer

- A person (Kauwen Aliklik)
- Intentionally engages in conduct (biting)
- The conduct (biting)
- Causes harm to police officer Freeman Deireragea
- Without Officer Deireragea’s consent
- Kauwen Aliklik intends to cause harm to Officer Deireragea
- Because Kauwen Aliklik believes Officer Deireragea is a police officer
- And Deireragea is in fact a police officer

SUBMISSIONS BY THE STATE

5. Counsel refers to the following statutory provisions:

Crimes Act 2016

- Section 8- Definitions of ‘Conduct’, ‘Harm’, ‘physical harm’
- Section 9- Definition of ‘consent’
- Section 17- definition of ‘intention’

Criminal Procedure Act 1972

- Section 10(1)- Arrest without warrant’
 - Section 11- ‘Mode of making an arrest’
6. Counsel relied on PW2’s (police officer Freeman Deireragea) evidence in that a group of drunkard men tried to have PW2 release the accused. Someone tried to bend his fingers. PW2 told the group of men ‘not to obstruct him from doing his duty as a police officer.’ In the melee, according to PW2, the accused bit his thumb. (I note that in the summary of evidence relied upon by the prosecutions-PW2 did not state what offence the accused allegedly committed and whether he was being arrested) PW1 assisted PW2 in trying to apprehend the accused. PW1 did not know whether PW2 had informed the accused why he was being arrested.

7. Counsel considered the question whether the accused was acting in self-defence. The biting, according to Counsel, 'constitutes a new offending.' This offending (the biting) 'caused the defendant to run away from PW2 and persistently ran away when the back up police arrived at the scene.' Counsel refers to *R v Turcotte [2006] 3 LRC 239* where the Supreme Court of Canada said at paragraphs [37], [38] & [39]:

[37] "Post-offence conduct" is a legal term of art. It is not meant to be a neutral term embracing all behaviour by an accused after a crime has been committed, but only that conduct which is probative of guilt. It is, by its nature, circumstantial evidence.

[38] The more traditional designation of such conduct, "consciousness of guilt" evidence, was changed by this Court to "post-offence conduct" evidence in R. v. White, [1998] 2 S.C.R. 72. Major J. held, at para. 20, that use of the phrase "consciousness of guilt" should be discouraged because it might undermine the presumption of innocence or may mislead the jury. In White, at para. 19, Major J. provided a non-exhaustive list of conduct that is typically admitted as post-offence conduct evidence: flight from the scene of the crime or the jurisdiction in which the crime was committed; attempts to resist arrest; failure to appear at trial; and acts of concealment such as lying, assuming a false name, changing one's appearance, and hiding or disposing of evidence. In White, the post-offence conduct was the accused's running from the police to avoid arrest, the attempted disposal of one of the murder weapons, and fleeing the jurisdiction following the killing.

[39] Although the terminology has been changed, the evidentiary concept has not. As with evidence of "consciousness of guilt", only evidence after a crime has been committed that is probative of guilt can be relied on as "post-offence conduct".

8. Counsel submits that the accused, in 'fleeing from PW2 after the assault was an act of post- offence conduct.' (I note that Counsel does not explain how this 'post – offence conduct is relevant to the commission of the offence in the Information or somehow nullifies the reliance on 'self-defence)

Did the accused assault PW2 Freeman Deireragea?

9. Counsel submits that though the accused denied biting PW2, Appendix 3 of the medical report for PW2 shows- 'Tooth mark small open wound' and 'Right thumb: slightly swollen tender to touch and has a small bite mark' supports PW2's testimony in court.

Was the accused lawfully arrested?

10. Counsel submits that the 'issue of arrest now turns on the time after the assault on PW2.'
11. 'When asked in chief whether PW2 informed Kauwen at this point of why he was arresting him, PW2 said- 'I don't know. That I tried to tell him but convince him to stop resisting and run away from me.' PW4, Police Officer Sam Bill told the accused to stay down.

12. Counsel adds- ‘During the mode of arrest where PW2 confined the defendant at Dabwido’s house, was the time when the defendant bit PW2’s thumb. We submit that the **(what?)** constitutes a new offending and is the case now before the court to deliberate on.’
13. Counsel cites *R v Agege [2021] NRSC 29*, where at [71], the court refers to *Christie v Leachinsky [1947] AC 573* where Viscount Simon discusses a policeman’s right to arrest a suspect without warrant. Proposition (5) is relevant here. ‘*The person arrested cannot complain that he has not been supplied with the above information as and when he should be, if he himself produces the situation which makes it practically impossible to inform him, e.g. By immediate counter attack or by running away.*”

What constitutes a Lawful arrest?

14. Referring to section 11 of the Criminal Procedure Act 2016, Counsel submits that the accused ran away after biting police Officer Freeman’s thumb. The accused was arrested by PW4 and PW6 pursuant to Section 11(1) (the CPA) ‘*when they confined his body by lifting him up and escorting him to the police vehicle.*’ Counsel refers to the following cases:
 - a. *Alderson v Booth [1969]* – ‘*to arrest a person is to restrict his freedom under lawful authority. It usually involves the taking hold of a person, through touching, no matter how slight is sufficient. Words alone may also amount to an arrest if the form of words used is calculated in the circumstances of the case to bring a person’s notice that he is under compulsion and does bring it to his notice and he then submits to the compulsion.*’
 - b. *Police v Dafor [2008] SASC 247* where the court discussed two elements of lawful arrest as follows:

[84] The elements of a lawful arrest were described by Gilles P, *The Law of Criminal Investigation* (The Law Book Company, 1982) p 144 in the following terms:

At common law, an arrest will (assuming that it is made for an object sanctioned by the law) be lawful and thus validly made, provided that there is a sufficient act of arrest, the arrester communicates to the arrestee that the latter is under compulsion, the arrester notifies the arrestee as to the reason for his arrest, and the arrester possesses the state of mind required of one acting pursuant to the given power of arrest.

In a much earlier article *Glanville Williams [1954] Crim LR 6* put the position slightly differently:

Assuming the legal power to make an arrest, there are certain general requirements of a proper and effective arrest.

1. *The person arrested must be deprived of his liberty; in technical language this is called an imprisonment.*

2. *The imprisonment must be intended as a step in a criminal process, and this intention must be made known by the officer to the person arrested.*
3. *Subject to some exceptions, the reason for the arrest must be communicated to the person arrested.*

For present purposes and insofar as the constituent parts of an arrest are concerned, there will be no difference in these two statements of principle.

c. *Lupco Slaveski v State of Victoria and Orts* [2010] VSC 441, at [106]-

‘Deprivation of Liberty

‘While the arrestee must be deprived of his or her liberty in order to be lawfully arrested, there is no requirement that the arrestee be actually seized or subjected to physical force. There will be a sufficient deprivation of liberty if the arrestee submits to the arrester’s control after the arrester has indicated his or her intention to effect the arrest. In Alderson v Booth,^[31] Lord Parker CJ said:

There are a number of cases, both ancient and modern, as to what constitutes an arrest, and whereas there was a time when it was held that there could be no lawful arrest unless there was an actual seizing or touching, it is quite clear that that is no longer the law. There may be an arrest by mere words, by saying ‘I arrest you’ without any touching, provided, of course, that the defendant submits and goes with the police officer. Equally it is clear ... that an arrest is constituted when any form of words is used which in the circumstances of the case were calculated to bring to the defendant’s notice, and did bring to the defendant’s notice, that he was under compulsion and thereafter he submitted to that compulsion.^[32]

15. For the present case, Counsel submits that based on the above cases, the accused’s arrest ‘can be justified in the instance where the defendant escaped PW2 after he bit his thumb.’ The accused was not running because ‘he was shocked and breathless by the vehicle collision, but had to be from self- awareness that he had bitten PW2’ thumb.’ PW4 had arrested the accused when he instructed the accused to ‘stay down’ and the accused ‘submitted to that compulsion.’
16. On the accused not being informed of the reason for his arrest, Counsel refers to paragraph [119] of the *Lupco Slaveski* (supra) case where the Court said:

‘The arrester need not communicate the reason for the arrest to the arrestee using technical or precise language. The sufficiency of the communication is to be considered as a matter of substance and by reference to the principle that a person is, prima facie, entitled to his freedom and is only required to submit to restraints on his freedom if he knows in substance the reason why it is claimed that this restraint should be imposed.’

17. Counsel concludes that the accused was lawfully arrested, the evidence proves the offence of causing harm to a police officer and this is supported by the medical report of the complainant PW2.
18. Alternatively, Counsel submits that the Court considers ‘ a lesser offence pursuant to Section 273 of the Act. Counsel does not refer to a specific lesser offence.

SUBMISSIONS BY THE DEFENCE

19. Counsel summarises the evidence adduced in court and outlines Section 51 of the Act on self- defence. Referring to *Republic v Agege [2021] NRSC*; Criminal Case 20 of 2020(03 August 2021) paragraph [15], it reads:

‘ [15] Notable in the above provision (Section 51 of the Act) is the entitlement of a person to engage in criminal conduct which is reasonably necessary ‘ self- defence ’ of another person who is being assaulted or who is unlawfully arrested and/or being wrongfully detained as perceived by the defendants as rescuers. ’

20. At paragraph [16] & [18] of his submissions, Counsel submits:

*[16] ‘ The Agege case highlights that a person who is unlawfully arrested, is unlawfully imprisoned. The defence of self- defence would therefore apply in this instance, as stipulated in Section 51(2)(1)(ii) of thr Crimes Act 2016. Henceforth, if the Accused is not under arrest, he was not in lawful custody. Self- defence is raised, whereby the **drunkards engaged in conduct** to end his unlawful imprisonment. ’*

[18] As per the case authority in the Agege case, it is submitted that the arrest on Kauwen was unlawful, therefore any attempt to restrain him amounted to unlawful imprisonment. The accused and the drunkards had every right to defend him. ’

21. Counsel adds that the Prosecution has not disproved the fact that the accused acted in self-defence as required under Section 25(2) of the Act.

CONSIDERATION

22. I will firstly consider the evidence adduced in Court. In my Ruling on the ‘No case to answer’ application, I considered the following:

‘The Alleged Offence

[20]. PW2- On Cross examination-

Q- Did you tell the accused why he was being arrested?

Ans- Couldn’t tell him because he was resisting arrest and obstruction by drunkards.

On Re- Examination-

Q- Did you tell the accused why he was arrested? Any other officer arrested the accused?

Ans- Don't recall.

[21.] When PW1 and PW2 initially saw the accused on the road, driving his motor bike with two female passengers, does the accused's conduct amount to an offence where the police may arrest the accused **without warrant**? Section 114 of the *Motor Traffic Act* 2014 (the MTA) provides:

'For the purposes of this Act, a police officer may arrest without warrant any person whom the police officer has reasonable cause to believe is:

- (a) Driving or attempting to drive a motor vehicle without a driver's licence or has had his or her driver's licence cancelled or suspended;*
- (b) Contravening the provisions of this Act dealing with driving under the influence of alcohol or drugs;*
- (c) Responsible for the death of a person due to dangerous driving; or*
- (d) Obstructing a police officer or any other person carrying out his or her duties pursuant to this Act.*

It is clear from the evidence of PW1 & PW2 that the alleged offence committed by the accused was the carrying of two passengers on his motor bike. Section 114 of the MTA is clear that the police power to arrest without warrant may only be exercised in circumstances where the police officer **has reasonable cause to believe** that a person-

- i. Is driving or attempting to drive a motor vehicle without a driver's licence;
- ii. Driving or attempting to drive a motor vehicle whilst his or her driver's licence has been cancelled or suspended;
- iii. Is driving under the influence of alcohol or drugs;
- iv. Has caused the death of a person by dangerous driving. *(Interestingly, the provision does not include being responsible for causing injury to another person by dangerous driving.)*
- v. Obstructing a police officer in carrying out his duties under the [Motor Traffic Act](#).

PW1 said that she saw the accused 'driving swerving on the road.' She was not asked nor did she give any evidence as to what that conduct led her to believe. PW1 and PW2 did not state in their evidence that they 'had reasonable cause to believe' that the accused was driving under the influence of alcohol or drugs. Thus, the conduct of the accused in carrying two passengers on his motorbike did not give rise to a reasonable cause to believe that the accused had committed an offence where the Section 114 power of arrest without warrant may be exercised.

Was the accused Lawfully Arrested?

[22.] From the evidence of the most senior officer on the scene, PW3- Inspector Ika Aliklik, he arrested Athaldo for obstructing PW2. This Athaldo was not charged for any offence. According to PW3, he did not know what offence the accused allegedly committed. He didn't know who arrested the accused but it was Constable Sam Bill who brought the accused from the seaside.

[23.] Constable Sam Bill, PW4 said that he arrested the accused by telling him- 'stay down, don't move.'

On examination in chief:

Q- Why was he being arrested?

Ans- I did not tell him why he was being arrested.

Q- What did Constable Panit say?

Ans- Nothing. Other police officers did not say anything.

[24.] The evidence shows that PW3 Inspector Ika Aliklik and PW4, Constable Sam Bill were not aware as to what offence, the accused, allegedly committed. PW1 & PW2 referred to the traffic offence of carrying 2 passengers on a motorbike.

23. The above clearly shows that the accused was not arrested by PW1 and PW2. The evidence showed that after the accused ran away from PW2, he was later arrested by PW4 when the accused was compelled when told to ‘ stay down, don’t move.’

24. I remind myself of the elements of a Section 77, Causing Harm to a police Officer Offence. PW2 testified that when the group of drunkards were trying to free the accused from being restrained by him, the accused bit his thumb. The medical report of PW2, Freeman Deireragea, submitted as PEX-2a, at Appendix 3 shows- ‘Tooth mark small open wound,’ and ‘ Right Thumb : slightly swollen, tender to touch and has a small bite mark.’ The Prosecution submits that this is sufficient evidence of the accused causing harm to the complainant, PW2.

25. In his evidence, the accused denies biting PW2. In a tearful testimony, he described how PW1 drove the police vehicle straight at him and hit him. He fell down. He was shocked and breathless. In his words- “I was about to stand up. Freeman came to me and held onto me. I was trying to breathe. Other drunkards tried top Freeman. I asked Freeman- ‘Why are you arresting me? He didn’t say anything. Drunkards held onto Freeman. I escaped from him. I ran away. Freeman chased me. He did not catch me. I didn’t know why they did that to me. Constable Sam Bill arrested me- saying ‘Stay down, stay down.’

Ques- Allegation is you bit thumb of Freeman?

Ans- I never bit his thumb. I’ve been to jail. I’ll never do that.’

Cross- Examination

Ques- When he (Freeman) was holding you, you wanted to escape?

Ans- Yes

Ques- You bit his thumb?

Ans- No

Ques- After you bit his thumb, he let you go and you ran away?

Ans- No

Ques- You ran away after you bit Freeman's thumb?

Ans- No- I did not bite him.

24. From the above, the accused **clearly denies biting the thumb of PW2.**

Is Section 51 of the Act on 'Self- Defence' applicable here?

26. Section 51 provides:

(1) A person is not criminally responsible for an offence if the person engages in the conduct constituting the offence in self- defence.

(2) A person engages in conduct in self- defence only, if:

(a) the person believes the conduct is necessary:

- (i) to defend the person or another person;
- (ii) to prevent or end the unlawful imprisonment of the person or another person;
- (iii) to protect property from unlawful appropriation, destruction, damage or interference;
- (iv) to prevent unlawful entry to land or premises; or
- (v) to remove from land or premises a person who unlawfully entered; and

(b) the conduct is a reasonable response in the circumstances as the person perceives them. ‘

27. In *Beckford v The Queen* [1988] AC 130; [1987] 3 All ER 425, Lord Griffiths said at (144;431):

‘The common law recognizes that there are many circumstances in which one person may inflict violence on another without committing a crime...The common law has always recognized the right of a person to protect himself from attack and to act in defence of others and if necessary to inflict violence on another in so doing. If no more force is used than is reasonable to repel the attack, such force is not unlawful and no crime is committed. Furthermore, a man about to be attacked does not have to wait for his assailant to strike the first blow or fire the first shot; circumstances may justify a pre-emptive strike.’

28. The elements of the first limb of Section 51 (1) are-

‘A person is not criminally responsible

If the person engages in conduct

Constituting the offence

In self- defence

29. Under the common law- as in paragraph [27] above- *‘The common law has always recognized the right of a person to protect himself from attack and to act in defence of others and if necessary to inflict violence on another in so doing. If no more force is used than is reasonable to repel the attack, such force is not unlawful and no crime is committed.’*
30. It is apparent from the above that a person who engages in conduct that may be unlawful per se, such person will not be criminally responsible for that conduct if he successfully raises and the Court accepts his reliance on ‘self- defence.’ Section 51(2) provides for the circumstances where self- defence may be raised.
31. In *Zecevic v DPP (Vic) (1987)* 162 CLR 645; 25 A Crim R 163; 71 ALR 641 Wilson, Dawson and Toohey JJ said (at 661; 652; 174):
- “The question to be asked in the end is quite simple. It is whether the accused believed upon reasonable grounds that it was necessary in self- defence to do what he did. If he had that belief and there were reasonable grounds for it, or if the jury is left in reasonable doubt about the matter, then he is entitled to an acquittal. Stated in that form, the question is one of general application and is not limited to cases of homicide. Where homicide is involved some elaboration may be necessary.’*
32. In the present case, the alleged unlawful conduct is the accused biting the thumb of PW2. The accused denies biting PW2’s thumb. From the evidence, the accused is not relying on self- defence as he denies engaging in the alleged unlawful conduct of biting PW2’s thumb. It follows that self- defence, as raised by the Defence Counsel in his written submissions, will not apply here.

When was the accused arrested?

33. After the accused was hit by the police vehicle driven by PW1, PW2 tried to apprehend the accused. PW2 testified that he held onto the accused. PW2 admitted that he did not inform the accused as to why he was being apprehended. As I discussed in my Ruling on ‘No case to Answer,’ PW1 and PW2 pursued the accused for the alleged offence of ‘carrying two persons on his motor bike.’ I found in that Ruling that this was not an offence where the police could exercise their power of ‘arrest without warrant’ under Section 114 of the *Motor Traffic Act 2014* (the MTA).
34. As discussed above, the accused was detained by PW4 when he told the accused to ‘stay down.’ PW4 was not aware as to what offence the accused allegedly committed.
35. On cross examination of the complainant, PW2, he responded:

Ques- You didn’t call for back up?

Ans- Don't recall.

Ques- Who was the I.O of the case?

Ans- Don't recall.

36. On re-examination:

Ques- Did you tell the accused why he was arrested?

Ans- Don't recall.

Ques- Any other officer that arrested the accused?

Ans- Don't recall.

37. PW4 was on patrol duties when called to assist the police at Meneng on the day in question. He saw the accused with PW2. The accused freed himself and fled on foot. PW4 chased him. He caught the accused, arrested him and told him to 'stay down.' He did not tell the accused why he was being arrested. Other police officers did not tell the accused either. I remind myself of what the court said in *Lupco Slaveski* case:

'The arrester need not communicate the reason for the arrest to the arrestee using technical or precise language. The sufficiency of the communication is to be considered as a matter of substance and by reference to the principle that a person is, prima facie, entitled to his freedom and is only required to submit to restraints on his freedom if he knows in substance the reason why it is claimed that this restraint should be imposed.'

38. PW4 saw the accused in a *melee* with PW2. The accused then fled. Although PW4 did not specifically communicate to the accused the reason for his arrest, I find that since PW4 saw the accused fleeing from PW2, it was reasonable to believe that the accused had committed an offence. PW4's actions to 'lock him down' and compel him to 'stay down' amounts to a lawful arrest.

Did the accused bite PW2's thumb as alleged?

39. A crucial element for the offence under Section 77 of the Act is that the accused caused harm to PW2 by biting his thumb. In his evidence, the accused denies this.

40. I dealt with the issue of credibility of witnesses in *Republic v Bill* [2024] NRSC 25; Criminal Case 1 of 2023 (24 September 2024). At paragraph [25] of my judgment, I referred to- In THE STATE OF WESTERN AUSTRALIA -v- COATES [2007] WASC 307, BLAXELL J at [54] said this-

'The determination of a witness' credibility on the basis of demeanor does not require the exercise of any legal skill, and is not something which can be the subject of reasoned analysis. It is largely a semi-intuitive process, and most ordinary members of the community have the life experiences which equip them to make such an assessment.'

At [57], he said:

'Obviously, the assessment of each witness' credibility will be a matter of critical importance in arriving at my findings of fact. It may be that I accept the whole of a witness' evidence or that I reject it all. It may also be that I accept part of what a witness has had to say but reject the rest. The fundamental question in relation to each witness, and in relation to each matter the subject of his or her testimony, is whether or not I believe the evidence. The answer to this question will turn on my evaluation of a number of factors, including the truthfulness of the witness, the reliability of the observations made by him or her at the material time, and the accuracy of his or her recollections'

At [58] Justice Blaxell said:

'Matters to be taken into account in this evaluation include the witness' general demeanour whilst testifying, the consistency of the evidence (both within itself and with other evidence in the trial), personal characteristics such as powers of expression and apparent levels of intellect, the possible impact of alcohol or drugs, and the emotional state of the witness at the material time. In the end, I should carefully assess all relevant matters and decide whether or not I can accept the witness' evidence on a particular issue as being truthful and correct.'

41. Who am I to believe here? The accused or PW2? I note the following from the testimonies of PW2 and the accused. PW2 answered a lot of questions with "Don't recall." He appeared evasive at times. In contrast, the accused was firm and did not evade the questions. In my assessment of their credibility, I note that under the common law, the credibility of a witness generally depends on the following factors:
- i. knowledge of the facts on which the witness gives evidence;
 - ii. impartiality;
 - iii. integrity;
 - iv. truthfulness.
42. On the issue of the truthfulness of PW2 and the accused, I find that PW2 was truthful that someone did bite his thumb.
43. Was it the accused that did the biting as alleged by PW2? The prosecution has the legal burden of proving each element of the offence under Section 25 of the Act. This legal burden is to be discharged 'beyond reasonable doubt.' In *Keeley v Brooking* [1918] ArgusLaw Rp 125; 1979) 143 CLR 162; 25 ALR 45 Barwick CJ said:

'To be satisfied beyond all reasonable doubt is, for the purposes of the law, to be certain.'

44. Am I certain that it was the accused that bit PW2's thumb? To answer this, I take another look at the circumstances leading to the arrest of the accused by PW4. I have already found that whilst the accused was on his motor bike, PW1 drove a police vehicle at him. The police vehicle hit the accused's motorbike. The accused fell off. He was in shock. PW2 tried to hold onto the accused. A group of drunkards from the Dabwido residence tried to get the accused free from the clutches of PW2. There were between 5- 6 drunkards in the scuffle with PW2 and PW1. According to PW1, *'the drunkards pulled our fingers trying to release the accused. I was afraid- drunkards (4 to 5 of them) surrounding us and pulling our fingers. It was a panic moment. I was very scared. They pushed us around. The accused escaped from us.'* In cross examination, *PW1 couldn't recall anyone biting PW2's thumb.* From my assessment of the evidence and the credibility of the witnesses I also find that the accused was telling the truth in that he did not bite PW2's thumb. Considering the above and the legal burden of proving beyond reasonable doubt that it was the accused that bit PW2's thumb during the melee, I must admit that I am not certain.

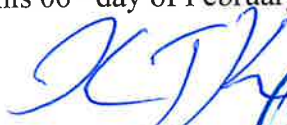
Alternative Verdict- Section 273 of the Act

45. The prosecution had submitted that I consider that there is sufficient evidence to find the accused guilty of the alternative offence listed in the Schedule 1 to the Act. The alternative offence here is obstructing a public official under Section 242 of the Act. Considering the totality of the circumstances surrounding this case, the accused being hit by a police vehicle, the initial alleged conduct of the accused that led to his pursuit was not an offence where the police may arrest the accused without warrant under Section 114 of the *Motor Traffic Act 2014*, I find that the elements of 'obstructing a public official' under Section 242 of the Act are not satisfied.

CONCLUSION

46. On Count 1, Causing harm to a police officer pursuant to Section 77 of the Act, I find the accused not guilty.
47. On the alternative offence of obstructing a public official pursuant to Section 242 of the Act, I find the accused not guilty.
48. Kauwen Aliklik, you are acquitted accordingly.

DATED this 06th day of February 2026


Kiniviliame T. Keteca

Judge

