

IN THE CENTRAL MAGISTRATES COURT OF SOLOMON ISLANDS
AT HONIARA

(Criminal Jurisdiction)

Criminal Case No. 291 of 2023

REGINA

-V-

LORINE RINI

Before: HOLLISON F (PRINCIPAL MAGISTRATE)

Appearances:

Sgt E Konle and PC Tei, Police Prosecutions Department, for the Crown

Mr Ronald Dive for the defendant

Date of Ruling: 28th April 2023.

**RULING AS TO THE APPLICATION TO WITHDRAW THE CHARGE PURSUANT
TO SECTION 190(2)(b)(i) OF THE CRIMINAL PROCEDURE CODE [CAP 7]**

1. The Crown made an Application pursuant to section 190(2) (b) (i) of the *Criminal Procedure Code* [Cap 7] (CPC). That is to withdraw the current charge against the defendant Ms Rini due to insufficiency of evidence. I have also sighted the endorsement of the Director of Police Prosecutions in support of the said application dated 28th April 2023.¹
2. The defendant is presently charged with one count of intimidation contrary to section 231(1) of the *Penal Code* [Cap 26].²
3. Section 190(2)(b)(i) of the CPC states as follows³:

190. - (1) The prosecutor may with the consent of the court at any time before a final order is passed in any ease under this Part withdraw the complaint.

¹ Endorsement of the Director of PPD in support of the Application to withdraw the charge dated 30th April 2023.

² *Penal Code* [Cap 26], s 231.

³ *Criminal Procedure Code* [Cap 26], s 190(2)(b)(i).

(2) On any withdrawal as aforesaid-

(a) where the withdrawal is made after the accused person is called upon to make his defence, the court shall acquit the accused;

(b) where the withdrawal is made before the accused person is called upon to make his defence, the court shall subject to the provisions of section 197 in its discretion make one or other of the following order-

(i) an order acquitting the accused;

4. I am satisfied that the application is supported with a valid reason, that is, the insufficiency of the evidence, and the charge cannot be sustained.
5. Having said that, the present charge against the defendant is withdrawn accordingly pursuant to section 190(2)(b)(i) of the CPC, and the defendant is hereby acquitted forthwith.
6. She is entitled to receive her cash bail and the magistracy to quickly facilitate that.
7. The court so orders.


Principal Magistrate Felix Hollison
THE COURT