IN THE MAGISTRATES COURT
OF THE REPUBLIC OF VANUATU
(Criminal Jurisdiction)

Case No. 25/902 CRML

PUBLIC PROSECUTOR

V

BOSCO ALICK

Date of Oral Verdict & Judgment: 08th October, 2025.

Date of Written Judgement: 17th October, 2025.

Counsels: Mr. Liu_D - PP (on behalf of Mr. Kalwatong_M)
Mr. Molbaleh_E - Defence & Defendant.
Defendant.

JUDGMENT

Background/Introduction

1. The defendant Mr. Bosco Alick is charged with 2 counts of domestic violence in contrary to section 4(1) (b) & 10 of the Family Protection Act No. 8 of 2008.

2. He pled '*not guilty*' to both counts and the matter was set down for a trial hearing.

Facts

3. The alleged facts in relation to the charges of domestic violence are that the defendant, Mr. Bosco had committed acts of domestic violence against his spouse, Mayline Jimmy, on 2 separate occasion in August of 2024.

4. Firstly at Crystal Blue area, Efate, he had intimidated the complainant with a chainsaw which he was holding at that time, and chased after her with it. This act caused the complainant victim to be fearful for her safety.

5. Secondly, at Tamanu area, also around the month of August, 2024, the defendant had intimidated the same complainant with a rifle (musket) which he was holding, and discharged it close to the complainant causing her to fear for her safety.

The Law

6. The Prosecution has the burden of proving all elements of the offence beyond a reasonable doubt.

7. Section 4(1)(b) and 10 (1) of the Family Protection Act No. 28 of 2008 reads:

> ***" 4 Meaning of domestic violence***
>
> *(1) A person commits an act of domestic violence if he or she intentionally does any of the following acts against a member of his or her family:*
>
> *(b) psychologically abuses, harasses or intimidates the family member;*
>
> ....
>
> ***10 Domestic Violence Offence***
>
> *(1) A person who commits an act of domestic violence is guilty of an offence punishable on conviction by a term of imprisonment not exceeding 5 years or a fine not exceeding 100,000Vatu, or both."*

8. In order to secure a conviction, the Prosecution must prove the following elements of domestic violence beyond a reasonable doubt:

(i) That the defendant Mr. Bosco Alick committed an act of intimidation.
(ii) The intimidation was intentionally made against a member of his family.

Determination

9. It is not disputed that the defendant and complainant are family members, being in a de facto relationship, however the issue before this court is to determine whether the defendant did intentionally intimidate the complainant on 2 separate occasions as alleged.

10. The complainant was the only prosecution witness who gave evidence that around August of 2024, at Crystal Blue area, she had an argument with the defendant over transport money of the Bongo truck driven by the defendant, that the defendant had assaulted her causing her eyes to swell and her face bled. She was then taken inside the house by the defendant, closed the door behind them, with their children outside crying, he then grabbed onto a chain saw, turned it on, with the blades rolling, and started chasing after her with it, the whole time she was crying and running around in the house.

11. As to the second incident at Tamanu area, she gave evidence also that she was in the passenger seat of the Bongo truck with the defendant seated beside her on the driver's seat, and again they argued over the transport money, when she saw the defendant reaching to the back of his seat and pulled out a rifle and pointed it at the complainant. She gave evidence that she was very scared and that she was holding n to the butt area of the rifle while the defendant was holding on to the barrel section with one hand, and the other end close to the trigger area. That they were both pulling at the rifle when the defendant pressed the trigger and it went off. She then got scared and ran out while at the same time, she heard two bullets being fired after her. She then went to an empty house nearby and hid.

12. That in both incident, at Crystal blue and at Tamanu, she stated that she felt bad, and that she mentioned to the defendant that she will report him again and he responded that the police will never get him, and she believed him. That at Tamanu area, their son Richard was the only one who witnessed the incident, and every one else were asleep. That after the incidents, the defendant sent her away and she went to live with her brothers at Rentapau area.

13. Under cross, the complainant maintained the allegation of the use of chainsaw and musket by the defendant, against her.

14. Defence applied for a no case to answer however I had ruled that there is a case for the defendant to answer and defence called the defendant and one other witness to the stand.

15. The defendant himself Mr. Alick, gave evidence and admitted driving a Bongo truck for transport purposes but that the truck was not the complainant's and that it belonged to his brother and that he only drives it to assist with its loan repayment.

16. He denied threatening the complainant with a chainsaw at Crystal blue, that he did not intimidate the complainant with a rifle/musket, because he does not own one. He maintained his evidence under cross examination. However he did admit that he got angry with the complainant for having an affair with another man.

17. The second defence witness, Mr. Peter Niau, gave evidence that he would visit the defendant and the complainant from time to time at crystal blue area, to assist them with planting water melon. That during the time of alleged incident, he was at the area (crystal blue), but he did not hear of an incident involving the defendant using a chainsaw or a musket.

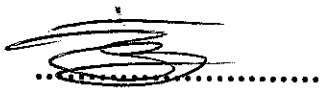
18. I have heard the testimonies before me and I find that the complainant is the only witness for the prosecution, and that she kept a consistent account of the alleged threats used by the defendant to intimidate and control her, causing fear upon her. And while she may be a reliable witness, other witnesses or physical evidence or pictures of the actual weapons allegedly used, could have built a stronger case for the prosecution and add corroboration to her testimony.

19. Corroborative evidence would have been necessary to provide independent confirmation, or show a pattern of intimidation as given in the complainant's accounts.

20. I therefore find that prosecution has not met the legal standard of proving the defendant's guilt beyond a reasonable doubt. I therefore find him not guilty and acquit him of the charges.

DATED at Port Vila, this 17th October, 2025.

BY THE COURT



Senior Magistrate