

PUBLIC PROSECUTOR -v- ISAAC SERU

Coram: Mr. Justice F.G. Cooke, Chief Justice.  
Mr. J. Bolango, Assessor.  
Mr. P. Malsangai, Assessor.  
Robert Wainai, Interpreter.  
Miss J. Walsh, Chief Registrar.

JUDGMENT

In this case Isaac Seru the accused was charged that on or about the 3rd day of April, 1982, at Port Vila, being a public officer corruptly accepted a sum of 500VT for himself in respect of the unlawful release of Edward Thompson from custody.

The accused appeared before me and two assessors on the 22nd of July 1982. He pleaded guilty to the charges and I convicted him on his plea.

The facts as outlined by the Public Prosecutor were to the effect that accused was a police officer employed at No. 1 Prison Vila. There was a prisoner in the said prison named Edward Thompson. Seemingly the prisoner wanted to visit his wife, so on the 3rd July 1982 he went to see the accused who was on duty and gave him 500VT to let him leave jail and visit his wife. The prisoner stated he would return that night or following morning. The accused let the prisoner go and see his wife. The prisoner did return some hours later. The accused kept the 500VT. The accused never mentioned this to his superior.


In his statement the prisoner said he gave the 500VT to the accused, who told him not to mention the fact to anyone. In his statement the accused said the prisoner asked him a couple of times to allow him to leave jail and see his wife, that he thought about it and when the prisoner came, again and gave him 500 VT, he let him go. That about 4 am. he returned and he let him into the jail again. He said, he did not inform his superiors.

The accused had no prior conviction.

Careful consideration was given to the fact that the accused pleaded guilty but the offence of letting a prisoner out of jail when it was his duty to ensure he was not released and further the fact that he accepted 500VT for doing so was a complete breakdown of the whole system and in my view warranted a custodial sentence.

I considered in this case a short sentence would be appropriate and accordingly imposed a sentence of 4 months imprisonment on the accused.

Dated this 22nd day of July 1982.



Frederick G. Cooke

Chief Justice.

