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CRC 16 - 2003

**IN THE SUPREME COURT OF
THE REPUBLIC OF VANUATU**

CRIMINAL CASE No. 16 of 2003

(Criminal Jurisdiction)

PUBLIC PROSECUTOR -v- AUGUST BULEKI

Coram: *Justice Vincent Lunabek, Acting Chief Justice
Mr. Daniel Evans for the Public Prosecutor
Mr. John Malcolm for the Defendant*

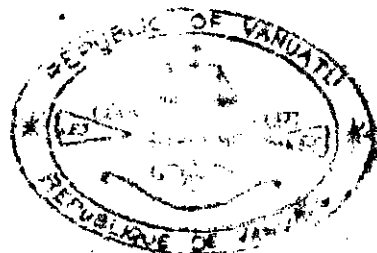
SENTENCE

The defendant, August Buleki is charged and pleaded guilty to the offence of Intentional Assault, contrary to Section 107(c) of the Penal Code Act [CAP.135].

The defendant cut the forehead^{aim} of the complainant victim, Augusta Tibigem. The defendant and victim are from the same area. The incident happened on the early hours of the 30th December 2002 at the Central Pentecost and stems out from a 18 year dispute over a custom land at the area.

The Court takes into account of the following mitigating factors-

- Plea of guilty
- Confirm to police and cooperation of the defendant to police after incident



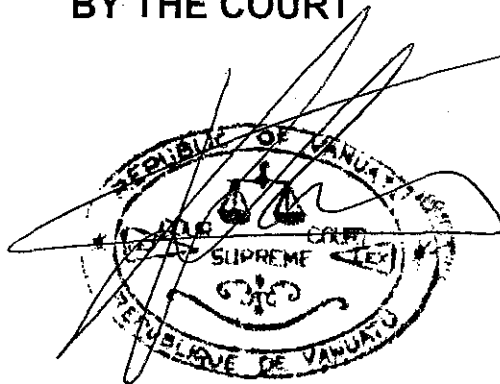
- First time offender.

Assault under Section 107(c) of the Penal Code Act is a very serious offence. The defendant used an offensive and dangerous weapon: a bush knife to cut the victim. The victim is an old man. Imprisonment sentence is warranted in the circumstances of this case.

The defendant is sentenced to 5 months imprisonment with immediate effect and to commence today 7 April 2003.

DATED AT PORT-VILA, this 7th DAY of APRIL 2003

BY THE COURT



**Vincent LUNABEK
Chief Justice**