

Seen and file.

IN THE SUPREME COURT OF TONGA
APPELLATE JURISDICTION
NUKU'ALOFA REGISTRY

AM 7 of 2020
[CR 72 of 2020]

BETWEEN:

POLICE

Appellant

-and-

SETILI TALISA

Respondent

JUDGMENT

BEFORE: LORD CHIEF JUSTICE WHITTEN
Counsel: Mr T. 'Aho of the Attorney General's Office for the Appellant
The Respondent in person
Date of hearing: 23 July 2020

HAVING CONSIDERED the application dated 23 April 2020 for leave to file the notice of appeal out of time, proposed notice of appeal and the affidavits in support by Ms Sela Aleamotu'a and Acting Sgt 'A. Puafisi both sworn on 23 April 2020, and the appellant's submissions on appeal filed 16 June 2020 annexing the transcript of the relevant passages from the proceeding below.

HAVING HEARD from counsel for the appellant and from the respondent.

AND FOR THE REASONS delivered at the conclusion of the hearing this day.

IT IS HEREBY ORDERED:

1. The appeal is allowed.
2. The decisions and orders of Senior Magistrate Pahulu-Kuli in proceeding CR 72 of 2020 made on 7 February 2020 are quashed.

23 JUL 2020

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3. The respondent's not guilty plea below is set aside and his original guilty plea to the single count of theft is reinstated.
4. The matter is remitted to the Magistrates Court for sentencing on a date to be fixed.
5. The matter for sentence will be mentioned at the Magistrates Court at Fasi on 6 August 2020.

NUKU'ALOFA
23 July 2020



A handwritten signature in blue ink, appearing to read "M.H. Whitten", is written over the seal.

M.H. Whitten QC
LORD CHIEF JUSTICE