

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

NO.CR 270/2003

BETWEEN : **REX** - **Prosecution**

A N D : **SITIVENI LI** - **Accused**

BEFORE THE HON. CHIEF JUSTICE WARD

COUNSEL : Prosecution represented by 'O Pouono
: Accused represented by S Fifita

Ruling

This accused was committed for trial in the Supreme Court on two charges:

1. Obstructing a Government officer, contrary to section 55 of the Criminal Offences Act
2. Assaulting a police officer contrary to section 113(b) of the same Act.

At the outset of the preliminary inquiry this accused was also charged with an offence contrary to section 187. However, the magistrate found no case to answer on that charge. There was prima facie evidence on the two charges set out above and the magistrate committed the accused on those.

However, as counsel for the prosecution has pointed out, those two charges are not indictable offences. They both fall within the magistrates' jurisdiction and the case is remitted to the

Magistrates' Court with a direction that it be tried before another magistrate.



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NUKU'ALOFA: 12th May, 2003

CHIEF JUSTICE