

Possession of stolen property – Mr Singh

Script and practical exercise

Mr Singh is charged for possession of stolen property. Mr Singh pleads not guilty and does not to appear in court.

You are to prepare a decision based on these facts. You will present your decision at the next session as if you were a judge.

Evidence for the prosecution

Constable Tabula: Your worship, I recorded the event on the 14th of November in my notebook. I seek leave to refer to those notes.

On 14 November, I went to the second-hand shop of Vincent Singh. Mr Singh runs a second-hand shop in Nuku'alofa. He has a licence to do so. I looked around the shop and saw a second-hand chainsaw for sale.

If it pleases the court, I seek leave to refer to my notes I made at the time.

Question: Mr Singh, show me your second-hand register. You are required to keep that by law, and it's meant to show all your purchases.

Answer: Yes yes, I've got it in the back of my shop and got the register. I'll go get it for you. It's there somewhere.

Approximately 10 minutes later the defendant returned with the register and proceeded to look through it.

Question: Is the chainsaw in the register Mr Singh?

Answer: I can't find it. I must have forgotten to enter the purchase.

Question: Who did you purchase the chainsaw from and how much did you pay for it?

Answer: I can't remember the details of the man I bought it from, but he was Chinese. Or he looked it. From memory I think I paid \$10 for it.

I noted the chainsaw was in an almost new state and the ticket on it said it was for sale for \$175. I duly advised Mr Singh that I believed the chainsaw may be stolen and that I would be taking it into my possession.

Answer: No-one told me the chainsaw was stolen, I was just buying it at a good price.

After further investigation I was able to ascertain that the chainsaw belonged to a Mr Tangaloo who reported that his chainsaw had been stolen 8 days earlier. I showed the chainsaw to the complainant and he identified it as being his own.

The prosecution then calls Mr Tangaloo

Mr Tangaloo: I confirm the chainsaw shown to me by Constable Tabula is mine. I purchased it in early October 2021 for \$400. I know it is my chainsaw because I painted a small black mark on the underside of the saw and it was still there when I looked at the chainsaw. The chainsaw was stolen from my shed sometime in the first week of November.

Mr Singh elected not to give evidence. He submitted that the prosecution had not proved he knew the chainsaw was stolen when he bought it.