

IN THE DISTRICT COURT OF NAURU
Criminal Jurisdiction
Criminal Case No. 1174 of 1976

THE REPUBLIC

vs.

DAGABO SCOTTY

CHARGE:

1. Common assault; C/S 335 of the Criminal Code Act 1899 of Queensland - The First Schedule.
2. Offensive behaviour in a dwelling house: C/S 5(d) of the Police Offences Ordinance, 1967.

JUDGMENT:

The case for the prosecution is that the accused assaulted Deban Scotty on the 13th October, 1976.

The prosecution has led the evidence of Deban Scotty who has stated that he was living with the accused, who is his brother and on the 13th October, 1976 the accused ^{hit} him with a can of beer on his eye. As a result of this he had a bleeding injury on his eyebrow.

The accused has given evidence and referred to the fact that both he and the complainant Deban Scotty were drinking and that they got drunk. They started an argument and they wrestled with each other and as a result of this incident he rang the Police.

It is quite evident from the evidence placed before this Court that there was a drunken brawl in the house of Dagabo Scotty. The fact that the accused hit the complainant Deban Scotty has been proved. In cross-examination Dagabo Scotty was not asked any questions as to the actual assault. There is only the bare denial by the accused of the assault. The evidence also discloses that the accused was guilty of offensive behaviour and I, therefore, order that the prosecution has proved both counts beyond all reasonable doubt and I find the accused guilty on Counts 1 and 2 and convict him.

4th November, 1976

R. L. DE SILVA
Resident Magistrate