

IN THE DISTRICT COURT OF NAURU

Criminal Jurisdiction

Criminal Case No. 695 of 1977

THE REPUBLIC

v.

ALFRED DICK

CHARGE:

1. Assault Occasioning Bodily Harm: C/S 339 of the Criminal Code Act 1899 of Queensland (adopted) - The First Schedule.
2. Common Assault: C/S 335 of the Criminal Code Act 1899 of Queensland (adopted) - The First Schedule.

JUDGMENT:

The case for the prosecution is that the accused, who is the husband of the complainant Philomena Dick, assaulted her on the 5th November, 1977.

The complainant in her evidence has stated that when the accused came home in the evening of the 5th November, 1977 she could not answer him because she had lost her voice as she was sick. Because of this, the accused got angry with her. He was also angry because they had slept at Rita's house. The accused pushed her on her shoulder and she fell down and he then stepped on her leg. Her left thigh got bruised. She was later taken to the hospital. The medical report of Dr. Kun, who examined the injured on admission, was produced by the prosecution and at the request of the defence, Dr. Kun was called in as a witness. According to him, the scratches on the face were superficial and the injury on the thigh was caused by a blunt object.

There is no doubt whatsoever that there was an altercation between husband and wife which, to my mind, is a purely domestic quarrel. There is no evidence before this Court of previous incidents of this type. The injuries

themselves were not serious but the prosecution has, according to the medical report Ex. "X", proved beyond all reasonable doubts Count 1 and I find the accused guilty of Count 1 and convict him. The accused has pleaded guilty to Count 2.

R. L. DE SILVA
Resident Magistrate

13th December, 1977.