

IN THE DISTRICT COURT OF NAURU

Criminal Jurisdiction

Criminal Case No. 216 of 1976

THE REPUBLIC

vs.

DETOGOBWEA DENUGA

CHARGE:

1. Offensive behaviour in a dwelling house. C/S. 5(d) of the Police Offences Ordinance, 1967.
2. Common assault. C/S. 335 of the Criminal Code of Queensland (adopted).

JUDGMENT:

The case for the prosecution is that the accused, on the 14th of April, 1976, unlawfully assaulted his wife and behaved in an offensive manner.

It is in evidence that on the day in question the accused came home at night dead drunk and started using obscene words and said that his wife was going with the Chinese, Japanese, Filipinos and Europeans and also the Nauruans. When his wife stood up to go away, he caught her at the front door and punched her on her cheek. The accused then requested her to get inside but she did not do so. The accused came after her and caught her near a pool of water and she fell down. The accused assaulted her again and tried to grab her by the throat.

The complainant, in her evidence, has stated that at the time of the incident she was in the house with her friend Angela and it was Angela who informed the Police. She also stated that she tried to get away from the accused because she did not want to hear the allegations.

Witness Angela has stated that she was with the complainant on the night in question and the accused came home and said that the complainant was the wife of the Chinese, Gilbertese, Filipinos and Nauruans. The complainant opened the door to get out but the accused caught her and at that stage she ran to the next house and informed the Police.

According to Police Constable Emerson Dageago, the accused was dead drunk when he was brought to the Police Station.

The accused has given evidence and he has stated that the reason for his behaviour was because his daughter Eirimon told him that she was getting a boyfriend.

The accused has not denied the acts of assault nor his offensive behaviour in his home. I accept the evidence of the complainant and witness Angela and I hold that the prosecution has proved its case beyond all reasonable doubt and I find the accused guilty on both counts and I convict him.

7th June, 1976.

R. L. DE SILVA
Resident Magistrate