

IN THE DISTRICT COURT OF NAURU
Criminal Jurisdiction
Criminal Case No. 1097 of 1976

THE REPUBLIC

v.

FAGAM ADAM

CHARGE:

1. Common Assault: C/S 335 of the Criminal Code Act, 1899 Queensland - The First Schedule.
2. Being in a Dwelling House Without Lawful Excuse: C/S 424A(a) of the Criminal Code Act, 1899 of Queensland - The First Schedule.

JUDGMENT:

The case for the prosecution is that the accused entered the house of May Amram without lawful excuse, and committed assault.

According to the evidence there appears to have been a misunderstanding on the telephone and the accused went to May's house. When he went there May told the accused that she wanted Aquila. The accused then held her hand and squeezed her neck in the lounge. She asked the accused to get out but he did not leave. The accused has not denied going to the house of May Amram and has admitted grabbing her and kissing her. He also admitted in cross-examination that he grabbed her and tried to pull her outside.

I accept the evidence of May Amram that after the accused came to her house she asked him to leave and he refused to do so. The moment the accused refused to leave, he was in the premises without lawful excuse. I also accept the evidence which is corroborated by the evidence of the accused that the accused forced his attentions on her and grabbed her and kissed her. For these reasons I hold that the prosecution has proved the charges of common assault and being in a dwelling house without lawful excuse beyond reasonable doubt and I find the accused guilty on both Counts and convict him.

16th June, 1977.

R. L. DE SILVA
Resident Magistrate