

IN THE SUPREME COURT OF NAURU
 Criminal Jurisdiction
Criminal Appeal No.12 of 1974

ORLANDO KUN

APPELLANT

V

DIRECTOR OF PUBLIC PROSECUTIONS

RESPONDENT

1st October, 1974 at 11.04 a.m.

In Court

Before Mr. Justice I.R. Thompson, Chief Justice

For the Appellant: Mr. B. Dowiyogo

For the Respondent: Mrs. L. Billeam

Appellant Present

JUDGMENT

Mr. Dowiyogo has made an able plea in mitigation but the facts of the offence are such that it was clearly a very serious example of common assault. Sentences must reflect the gravity of the facts of the offence; the maximum sentence for common assault is imprisonment for one year. The appellant has not had as bad a record since 1970 as he had up till then but he cannot be treated as a first offender might.

In all the circumstances the sentence imposed was certainly not harsh or wrong in principle. The facts stated by Mr. Dowiyogo in mitigation do not justify, in the circumstances of this case, any alteration to that sentence.

The appeal is dismissed.

I.R. Thompson
CHIEF JUSTICE

4th October, 1974

(Sentence: 3 months' hard labour.)