

HIGH COURT OF AUSTRALIA

CORAM : DIXON CJ
McTIERNAN J.
WILLIAMS J.

JUDGMENT OF THE COURT
DELIVERED BY DIXON C.J.

MINK FOOK WOO

v.

THE QUEEN

This case presents a peculiar problem arising out of an acquittal of the charge of buying gold without a licence accompanied by a conviction of being in possession without lawful excuse of the same gold. We have just discussed with counsel the difficulty of reconciling the acquittal and conviction. We are bound to accept the acquittal in the accused's favour and give full effect to its implications.

We are all three of opinion that doing that we cannot reconcile the conviction with that acquittal because no reasonable explanation exists of how the accused could come into exclusive possession of the gold unless it was delivered on a sale. Any other view of the matter would be artificial and unreal.

We therefore think that the conviction should be quashed.

I do not think any other order is necessary.

Appeal allowed. Conviction quashed.