

IN THE DISTRICT COURT OF NAURU

Criminal Jurisdiction

Criminal Case No. 198 of 1976

THE REPUBLIC

v

LANZA DABANA

CHARGE:

1. Assault occasioning bodily harm. Contrary to Section 339 of the Criminal Code Act 1899 of Queensland - The First Schedule.

JUDGMENT:

The case for the prosecution is that the accused, on the 9th January, 1976, assaulted his wife Mrs. Fealofani Dabana.

The prosecution has led the evidence of the complainant Fealofani Dabana who has stated that she went to Anibare to ask her husband, the accused, to come home as there was a Chinese at their place who wanted to speak to him. It was about 6.00 p.m. and the accused was drinking with some friends. The accused did not come as requested but asked her to get away but she insisted on staying. The accused then hit her on the face with a clenched fist about two or three times. Then the accused threw a stone at her which struck her on her hip and another struck her on the head. She received injuries and was treated at the Nauru General Hospital.

Two witnesses who saw the assault, namely, Rommel Gogoma and Brendas Eobob, have given evidence. According to them, they were at Anibare drinking with some friends and when the wife of the accused came at about 6.00 p.m., the accused asked the wife to go home and when she did not leave, he threw stones at her.

According to Rommel, one stone struck her head and she fell down. Witness Brendas, too, stated that the accused threw a stone that struck his wife on the head and she fell down.

These two witnesses have corroborated each other as regards the assault and they corroborate the evidence of the complainant. I have no hesitation whatsoever in accepting the evidence of the complainant and the two prosecution witnesses as regards the act of assault.

The accused was undefended and has stated that he had nothing to say.

I, therefore, hold that the prosecution has proved its case beyond all reasonable doubt and I find the accused guilty and convict him.

21st April, 1976

R. L. DE SILVA  
Resident Magistrate

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