

**IN THE DISTRICT COURT OF NAURU
(Criminal Jurisdiction)**

CRIMINAL CASE NO. 17 of 2016

BETWEEN:

THE REPUBLIC OF NAURU
Complainant

AND:

NEEMIA TOROMON
Defendant

*Mr. David Tonganivalu for the Republic
Mr. Vinci Clodumar for the Defendant*

*Date of hearing: 10 and 11 August 2016
Date of Ruling: 17 August 2016*

Ruling on no case to answer submission

1. The defendant is charged with 1 count of assault causing bodily harm contrary to section 339 of the Criminal Code 1899. He pleaded not guilty and this matter proceeded to trial. The prosecution called four witnesses and closed its case. Following the close of the prosecution case, Mr. Clodumar for the defendant has no case to answer.
2. The fact that the defendant assaulted the complainant is not disputed. It is not disputed that the following injuries were sustained by the complainant namely soft tissue swelling below the right eye, some redness in lower eye lid and bleeding nose.
3. Doctor Josese Vuki attended to the complainant at the emergency. Dr. Vuki gave evidence that the complainant

also suffered nose bleeding and further gave evidence that the nose can bleed easily from soft impact or hard impact or even change in temperature.

4. On the evidence it is not disputed that the soft tissue swelling below the right eye, the redness of the eye lid is caused by the assault occasioned by the defendant. Also on the evidence the only reasonable inference that can be drawn is that the bleeding nose is caused by the assault occasioned on the complainant by the defendant. This is so when one applies commonsense to the fact that the unchallenged evidence of the complainant and the other witnesses is that the complainant's nose bled straight after he was punched/slapped in the face by the defendant.

5. I find that the defendant has a case to answer.

Dated this 17 day of August 2016

