

IN THE COURT OF APPEAL

R.M. COURTS CRIMINAL APPEAL No. 220/65

BEFORE: The Hon. Mr. Justice Henriques, Presiding  
The Hon. Mr. Justice Moody  
The Hon. Mr. Justice Eccleston

R. v G E R M A I N E R A I L Y N  
and  
A G A T H A R A D L Y N

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Mr. E. C. L. Parkinson, Q.C. for the appellants  
Mr. R. O. C. White for the Crown

26th May, 1966

MOODY, J.A.,

In this case the appellants were convicted on an indictment before the learned Resident Magistrate for the parish of Clarendon on the 30th of September, for the offence of assault occasioning actual bodily harm and were each fined £10 or 30 days hard labour.

It is unnecessary for me to go into the details of the facts of the case, suffice it to say that there was what might well be described as a brawl between the complainant and the appellants, and the evidence as analysed by learned Counsel for the appellants in this Court seemed to have disclosed that the complainant completely routed both appellants, and the injuries of which the appellants complained were reflected in the evidence of the doctor, whereas the injuries of which the complainant complained were not so reflected in the evidence of the doctor.

Learned Counsel has in the course of several grounds of appeal made submissions to us which are all centered around

the fact.....

the fact that the findings of the learned Resident Magistrate, as stated on page 10 are not in conformity with the evidence, and indeed the judgment and finding both appellants guilty is inconsistent with the evidence in the case. For these reasons the appeal is allowed and the conviction and sentence quashed.