

HD report 716

J A N A I C A

IN THE COURT OF APPEAL

R.M.C.A. No. 199/65

BEFORE: The Hon. Mr. Justice Henriques (P)
The Hon. Mr. Justice Waddington
The Hon. Mr. Justice Moody (Ag.)

R. V. H A R R Y M A R A G H

Mr. C. B. F. Orr for the Crown
Mr. D. Muirhead for the appellant.

24th November, 1965.

HENRIQUES, J.A.:

This is a case of wounding in which the Crown tendered no medical evidence whatsoever.

Learned counsel on behalf of the appellant takes the point that having regard to the kind of evidence in the case, the nature of the wound which the complainant received, it would have been most material to determine the manner in which it was received and that such evidence was not forthcoming, therefore the conviction ought not to be sustained.

We have considered counsel's submission and we find that we are unable to share his view. There was positive evidence of two witnesses before the learned Resident Magistrate as to the manner in which this wound was received and the learned Resident Magistrate was free to accept the evidence if he so desired. He obviously accepted the evidence of the two witnesses as to the manner in which the wound was received and we feel that the absence of medical certificate does not affect the conviction. In the circumstances, the appeal will be dismissed.

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