

R. v. DAERA -GENU
of MAOPA
AROMA

GORE, J.

DECISION

10.00am
10 Dec 47

In this case the prisoner is charged with attempted rape upon an European woman under the White Women's Protection Ordinance 1926-1934.

By virtue of section 4 of the Criminal Code, which defines "attempt", in order to constitute the offence there must be evidence of an intention formed with a beginning made to put that intention into effect by means adapted, and a manifestation of the intention by some disclosed act.

Here the elements of that section are satisfied in all respects by the evidence which has been adduced. There is the admission of the accused himself that he wanted to "have" sinabada and tried to have her, there is the shedding of his only garment, the rami, in the vacant room, the entry into the bedroom at 3 a.m. naked, the lifting of the mosquito net, the pulling up of the nightdress, the placing of accused's body across that of his victim lying on her back and his private parts between her knees, the ejaculation of semen on to her nightdress, the violent grasping of her throat which prevented her from calling out and her attempts to turn over and get from beneath the accused lying upon her. All facts which leave no doubt in my mind that accused had attempted to rape. I, therefore, find the accused guilty of the offence with which he is charged.

Verdict - Guilty.

Sentence - Death (pronounced).