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COPY:

IN THE SUPREME COURT)  
OF THE TERRITORY OF )  
PAPUA AND NEW GUINEA)

CORAM : OLLERENSHAW, J.

THE QUEEN v. ANTHONY GARLAND BATES.

TRIAL AT RABAU:

8th & 9th October, 1962.

J U D G M E N T

The accused is charged under Section 211 of the Code that on or about the 12th August, 1962, he attempted to procure one Bilolo-Gimbe, a male person, to commit an act of gross indecency with him.

Mr. Reitano appears for the Crown and Mr. Rissen for the accused person.

The Crown alleged that the attempt in the charge took place in Kamerere Street, Rabaul, at about half past seven o'clock on a Sunday evening, when the accused, who was to some not inconsiderable extent under the influence of liquor, spoke to Bilolo, who was in that street at that time with two companions.

The Crown called Bilolo and his two companions and each of them gave evidence of what they heard the accused say to them after he had called them to him and the Crown put in evidence the deposition of the accused, who had elected to give evidence before the committing magistrate.

The Crown also called Imani, who gave evidence of a similar incident, which occurred when the accused spoke to him, not far from the place where the accused accosted Bilolo and his companions, some ten minutes or so earlier in the evening.

The accused has given evidence in this trial and while not disputing that he did call the natives to him in Kamerere Street and have a conversation with them at the time alleged, he claims that he did not say anything even resembling what the witnesses claimed that he had said, that his purpose was quite innocent and that his offer of a \$1 note was for quite innocent services which he required.

Mr. Rissen asks me to accept the accused's version of the interview with Bilolo and his companions and to say that there must be a doubt, even more than a reasonable doubt, that they misunderstood the accused because of his deficiency in Pidgin English and their deficiencies in English.

In all the circumstances of the case I have no hesitation in accepting the evidence of the native witnesses. I cannot be certain what were the exact words used by the accused but I have no doubt that he did use words of the kind and in the context alleged and that they

were intended by him to convey, as they did convey a request to commit an act of gross indecency with him and an offer or promise of a reward of \$1 for the sexual gratification which he required.

I find the accused's explanation of his purpose in speaking to the natives and his account of the interview entirely unconvincing.

I find a verdict of guilty and convict the accused accordingly.