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Judgment 265.

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

Coram : Ollerenshaw J.  
11th October, 1962.

ON APPEAL FROM  
THE DISTRICT COURT  
RABAUL.

SEETO AH LAN Appellant

ERNEST BAIN YOUNG Respondent

JUDGMENT.

The sentence imposed by the Magistrate is, I think, more than, on the face of this appeal, I would have imposed myself, but no so very much more. As against this the Magistrate must be presumed to be more aware than I can be, as a Judge on circuit, of the significance of the matters to be taken into consideration in determining the appropriate sentence for an offence such as this in Rabaul. I do not think that the difference between the sentence I would have imposed and the one imposed by the Magistrate would justify me in substituting the one for the other.

I dismiss the appeal and affirm the sentence.

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