

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

THE QUEEN v. LANGA

(Sentence)

Smithers J.
 Port Moresby.
 7/12/62.

REASONS FOR JUDGMENT

Langa has pleaded guilty to attempting to rape a young woman on the 15th day of November 1962. He is a young man of village origin who has had an education up to 6th Standard and is of normal intelligence.

He has been employed as a domestic in Port Moresby since January 1962, and during three weeks before the offence to which he has pleaded guilty, he was employed as a wash boy by three young women who shared accommodation at a sort of single girls quarters.

On the day in question the young woman who was the victim of the crime was alone in the premises, the accused also being therein working at his ironing. She had in the course of ordinary movement in and around the premises been in fairly close contact with him in the premises during the day. The young lady went to the bathroom for a shower. There was a lock on the bathroom door but it had only recently been placed there when she was absent on leave and she did not know of it or notice it. Accordingly, she was bathing in circumstances in which access to her was not obstructed. This was particularly unfortunate, as the manner of the accused on this day had already made her feel uncomfortable. The accused being as he said himself not perfect suffered his imagination to wander, fell to the ensuing temptation, went into the bathroom and attacked the young woman. She struggled successfully until the accused desisted and ran away. He subsequently gave himself up. He has no previous convictions.

The object of punishment is to prevent repetition of the offence, to reform the prisoner, and to deter others from committing the same offence, hence retribution is not now regarded as a sound basis.

The question cannot be decided without reference to the nature of the offence. The outstanding feature of the offence is that it causes distress to the victim of so great intensity that if it were

of frequent occurrence, normal female life in this community could not persist.

The punishment must therefore reflect those aspects of punishment which are designed to prevent repetition by the accused and more importantly to operate as a deterrent in the minds of other young men similarly tempted.

Nevertheless, regard must be had to the circumstances in which the crime was committed. It may be normal for young women to employ young male natives for domestic purposes, such as washing and to be in their company otherwise unattended in enclosed premises. Although normal it obviously presents a condition of potential danger. Young women ought not to assume that young men do not have wicked thoughts. Accordingly, freedom of association should be accompanied by a common sense recognition of the perils.

Doors of bedrooms and bathrooms ought to be locked. An ounce of action in this respect in this very case might well have prevented the commission of this crime so painful to the victim and so damaging to the life of this young man. Fortunately, no serious or permanent physical injury was suffered.

I must remember also that the set up was one not contrived by the accused but which arose as a natural incident of his employment.

With the object of imposing a penalty deterrent of his kind of conduct, emphasising the dangers of young women trusting too confidently in the capacity of young men to restrain themselves in circumstances of opportunity, and to be fair to the accused, I sentence the accused to three years. The sentence automatically carries hard labour.