

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

CORAM : OLLERENSHAW, J.

Monday, 28th February, 1966.

THE QUEEN

v.

KAMO - HONE

FOR SENTENCE.

This offender has pleaded guilty to and has been convicted of the crime of attempting to commit rape for which the Code provides a maximum punishment of imprisonment with hard labour for fourteen years.

The offender is a strong young Gailala about twenty-two years of age who comes from a village about two miles from the Patrol Post established at Oviavi in 1950. During 1963 he attended a Mission Church and School and attained Standard I. During some time since then he has worked as a Storeman-Labourer at Badili, near Port Moresby, and at the time of his offence he was employed as a Labourer with the Stores Department of the Administration.

The victim of his attack is a native school-girl, aged thirteen, who resides with her parents at Kila Kila.

At about one o'clock in the afternoon she was walking from her aunt's home at Kaugere to her parents' home at Kila along the main road where it goes past the Agricultural Station. The offender and some other Gailalas passed her in a truck near the Kila Kila School. They were singing and called out to her. Regarding these attentions with, at least, distaste she retreated along the road but when the truck turned into the Agricultural Station she went forward again. She had not gone far when the offender came up behind her, grabbed her and announced his purpose. She told him to leave her alone and when she tried to call out, hoping to attract the attention of her uncle who worked at the Agricultural Station nearby, he put his hands over her mouth and pulled her off the road into the bushes, where he put her on

the ground, dropped his trousers down and forced her to take off her pants. Although she was crying and objecting she appears to have offered little physical resistance. She was a frightened young native girl.

One of his workmates, whom he had previously informed of his purpose, heard her screaming from the bushes and, coming up to them as he lay on top of her, repeatedly told him to leave the small school-girl alone. It was not this nor the warning of the approach of some men walking along the road that caused him to desist but the difficulty he was experiencing in trying to insert his penis, which was hurt in this proceeding.

He left four shillings with her saying it was for pulling her into the bush and that if he had had intercourse with her properly he would have given her more.

She reached her uncle in the Carpenters' Workshop at the Station and although she was still distressed she appears to have regained her composure fairly soon and assisted in tracking down the offender near the Koki Market shortly after the offence took place.

This was a brazen and unencouraged attempt upon a modest schoolgirl by an unscrupulous man nearly twice her age and far superior in strength. I am sure that it would not have been regarded lightly amongst his own people if it had taken place on a bush track in his native area. However, he is not far removed by influence or in time from that area.

On the other hand native women and girls, (as well as European,) must be protected from these attacks. He must be punished and he and others with like impulses must be deterred.

He has no prior material conviction and appears to have been in custody since the 7th of December last.

I impose a sentence of imprisonment with hard labour for six years.

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