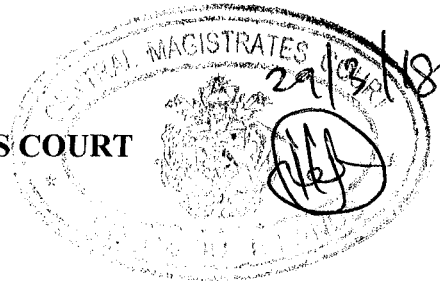


**IN THE SOLOMON ISLANDS MAGISTRATE'S COURT
AT HONIARA
Criminal Case 322 of 2017**



Regina

V

Francis MADALI

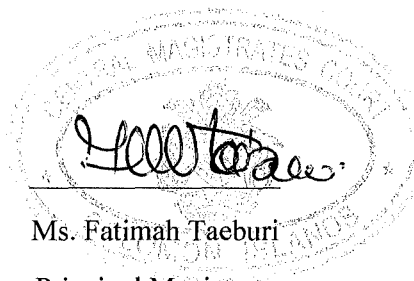
Before: Principal Magistrate Ms. Fatimah Taeburi
Mr. Rodney Wheatney for the Crown
Mr. Daniel Kwalai for the Defendant

Date of Hearing: 28th March 2018
Date of Judgment: 29th March 2018

JUDGMENT

1. You were initially charged with count 1 – grievous harm contrary to section 226 of the Penal Code and count 2 – unlawful wounding contrary to section 229 of the Penal Code.
2. Both your cases were listed for trial from 26th to 30th March 2018.
3. On the 26th of March, the prosecutor applied to withdraw the charge of grievous harm under section 190(2)(b)(i) of the Criminal Procedure Code and to substitute it with one count of unlawful wounding.
4. I granted the application and you were acquitted on grievous harm. You then pleaded guilty to the lesser substituted charge of unlawful wounding.
5. You were convicted and sentenced for that charge this morning.
6. You are now here before me in answer to the second charge of unlawful wounding.
7. In the second charge, the allegation is that you and another person namely Coleman Lete assaulted the victim Mr. Calvin Enoch from which he sustained injuries.

8. You pleaded not guilty to that charge.
9. On the 28th of March 2018, the Crown opened its case by calling the victim Mr. Enoch.
10. He testified in court under oath.
11. He said that he was assaulted by a group of people. He did not state the names of the people in the group.
12. He said that he knows you and another person by the name of Olman Lete. He did not say anything either directly or indirectly that either you or Mr. Lete was part of the group that assaulted him.
13. He said as a result of the assault, he sustained injuries.
14. He also said that there was reconciliation in relation to the assault incident. He said that cash, traditional money and other goods of some value were given during the reconciliation or the chupu which was conducted.
15. He said that he accepted the chupu and that in custom that is the end of the matter and that nothing else should happen after that ceremony.
16. He further stated that he wanted to discontinue this case.
17. After the victim testified, the crown offered no evidence and closed their case.
18. I find that there is not one single shred of evidence from the crown that goes to prove that the accused was the one who assaulted the victim on the day and had caused him injuries.
19. I find that the crown has failed to prove the elements of the charge beyond a reasonable doubt.
20. I therefore acquit you.
21. You have been sentenced by this same court this morning to 1 year and 11 months imprisonment on the other separate charge of unlawful wounding. Therefore you are to serve your sentence as ordered.
22. Right to appeal within 14 days.



Ms. Fatimah Taeburi
Principal Magistrate