

85/79

31st July, 1985.

Police Court Appeals.

A.G. -v- Jones.

Appeal against sentence of three months' imprisonment imposed by the Police Court Magistrate on the 3rd July, 1985, on a charge of assaulting a female.

DEPUTY BAILIFF: "We are going to allow the appeal in part. The accused was not represented and therefore it is fair to say, Mr. Boxall, that some of the matters that you put before us were not before the learned Magistrate. Secondly, we accept that there was evidence of kicking, but the Magistrate may from the notes have believed that the woman had been kicked in the face which is not the position - there wasn't any evidence that she had been. Thirdly, there is an indication running through the transcript that perhaps the learned Magistrate was regarding this as a case which should have been a grave and criminal assault and that lastly, we think that perhaps three months' imprisonment is not fully in accord with the general pattern of sentencing for similar offences and therefore we are going to reduce the sentence to two months' imprisonment. Legal Aid costs.