

**40/73**

**SUPREME COURT OF VICTORIA — COURT OF CRIMINAL APPEAL**

***R v SIMMONDS***

**Winneke CJ, Newton and Nelson JJ**

**10 December 1973**

**CRIMINAL LAW – ACCUSED CHARGED WITH RAPE AND OTHER CHARGES – TRIAL JUDGE DIRECTED THE JURY THAT THEY COULD FIND THE ACCUSED GUILTY OF RAPE WITH MITIGATING CIRCUMSTANCES – ERROR BY TRIAL JUDGE – THE ISSUE OF CORROBORATION RAISED – APPEAL ALLOWED – NEW TRIAL ORDERED.**

[Ed Note: The matters discussed by the Court of Criminal Appeal and the Court's conclusions in this appeal are not relevant to the Magistrates' Court]

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