

25/73

SUPREME COURT OF VICTORIA — COURT OF CRIMINAL APPEAL

R v DOLZAN

Winneke CJ, Gowans and Kaye JJ

6 September 1973

CRIMINAL LAW – ACCUSED CHARGED WITH ONE COUNT OF INDECENT ASSAULT ON A MALE AGED 16 YEARS – ACCUSED FOUND GUILTY – VICTIM MADE A STATEMENT WHICH WAS NOT MADE AVAILABLE TO THE DEFENCE – STATEMENT IN CONFLICT WITH VICTIM'S EVIDENCE GIVEN AT TRIAL – VICTIM'S EVIDENCE NOT CORROBORATED – FINDING BY COURT THAT IT WOULD BE UNSATISFACTORY TO ALLOW THE VERDICT TO STAND – APPEAL ALLOWED – CONVICTION QUASHED AND SENTENCE SET ASIDE – ORDER FOR A NEW TRIAL.

[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]
