

69/76

COURT OF APPEAL (ENGLAND)

R v BELFON

Stephenson LJ, Wien and Forbes JJ

11, 19 March 1976 — [1976] 3 All ER 46; [1976] 1 WLR 741; (1976) 63 Cr App R 59

CRIMINAL LAW – RECKLESSNESS – WHETHER RECKLESSNESS COULD CONSTITUTE AN INTENT TO DO GRIEVOUS BODILY HARM.

B. was charged with wounding with intent to do grievous bodily harm. Evidence was given that he had set upon a group of men who had come out of a public house and had slashed one of them with an open razor. The Judge directed the jury that a person intended the consequences of his act where he desired those consequences, and when he foresaw that they were likely to follow from his act but he nevertheless committed the act recklessly, irrespective of appreciating that those results would follow. B. was convicted and appealed on the ground that there had been a misdirection.

HELD: Appeal allowed. The jury had been misdirected. There was no authority that recklessness could constitute an intent to do grievous bodily harm. Adding the concept of recklessness to foresight would inevitably confuse a jury.

Hyam v Director of Public Prosecutions (1974) 2 All ER 41, considered.

N.B. This case note has been taken directly from the New Law Journal (Eng.) May 6, 1976 p467.
