

ROYAL COURT
(Samedi Division)

1st July, 1994

132.

Before: The Deputy Bailiff, and
Jurats Vint and Gruchy

The Attorney General

- v -

Stephen Comer

Application for review of the Magistrate's refusal of bail,
following a not guilty plea to one charge of grave and
criminal assault.

Advocate Miss D.M.C. Sowden for the applicant.
S.C.K. Fallo, Esq., Crown Advocate.

JUDGMENT

THE DEPUTY BAILIFF: We are asked to review the decision of the Relief Magistrate, and the Court accordingly has to ask itself whether the decision to which the Magistrate came was one at which he could reasonably have arrived in all the circumstances, or, alternatively, whether the procedure which he adopted was wrong in such a way that we ought to reconsider the matter *de novo*. Generally speaking on a review of the Magistrate's discretion it is not for this Court to substitute its own view of the matter.

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We have, however, studied the transcript carefully and we have listened to what counsel has said on behalf of the applicant.

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We are not satisfied, having looked at the transcript, that the applicant was given the opportunity in the Police Court, through his counsel, to challenge, by way of cross-examination, the evidence of the Police Officer concerned. We have accordingly looked at the matter ourselves and having regard to the previous good character of the applicant, and the explanation which has been given as to how the exchange of words came about; and having regard, too, to the fact that the applicant is pleading not guilty to the charge of grave and criminal assault, we have reached the

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5 conclusion that we should grant bail pending trial which we do in the sum of £300, subject to a condition that the applicant reports to a Police Station once a week and subject to a further condition that he does not approach Mr. Bishop or his family, either directly or indirectly. We hope that Mr. Comer understands what we mean by that, and subject to that condition and the other condition of reporting once a week to the Police we grant bail in the sum of £300.

No Authorities.