

[DICKINSON, ACTING C.J. AND THOMAS, ACTING P.J.]

REX

v.

ANIKITOS G. LOIZOU.

DICKIN-  
SON,  
ACTING C.J.  
&  
THOMAS,  
ACTING P.J.  
1925  
July 2

INDECENT ASSAULT—LAW 1 OF 1886, SEC. 29—IMMEDIATE COMPLAINT.

*Accused was tried on information with indecently assaulting A. B. a little girl of seven or eight years of age. Accused was a schoolmaster and A. B. a pupil. On the 19th and 20th March, A. B. alleged that accused assaulted her indecently. Shortly after each assault she was in the company of little girl-friends and said nothing to them, nor did she speak to her parents whom she saw daily. On the 21st, she states, accused called her and told her she must say nothing about what had happened between them or "they would both be hanged." Then, she says, she was really frightened and immediately told two small girl-friends all that accused had done and said to her. The District Court held that the statement she made to them on the 21st March was not admissible as evidence of what had happened on the 19th and 20th March, and rejected this evidence. A complete chain of evidence leading to certain clothes of A. B. which she was wearing at the time of the assaults, which were covered with semen inside, was sufficient corroboration of A. B.'s story for the District Court to convict accused and sentence him to twelve months imprisonment.*

From both conviction and sentence accused appeals.

For Appellant *N. Paschalis* and *Aradippiotis*.

For the Crown the *Assistant Attorney-General*.

*Judgment*: Upholding the District Court in both conviction and sentence states *inter alia*:—We find that on the day the accused frightened the complainant she realised for the first time that a wrongful act had been done to her and then she immediately told her playmates. We are of opinion that this complaint is "immediate" within the meaning of that word in Law 1 of 1886, section 29 and should therefore have been admitted in evidence.