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IN THE HIGH COURT OF NEW ZEALAND
AUCKLAND REGISTRY

R 114/99

BETWEEN

HOLANI

Appellant

**NOT
RECOMMENDED**

AND

NEW ZEALAND POLICE

Respondent

Hearing: 13 August 1999

Counsel: Mr R Brown for Appellant
Mr M Woolford for Respondent

Judgment: 13 August 1999

**ORAL JUDGMENT OF NICHOLSON J
ON BAIL APPLICATION**

*Solicitors:
Mr R Brown, PO Box 3858, Auckland for Appellant
Meredith Connell & Co DX CP24063 Auckland for Respondent*

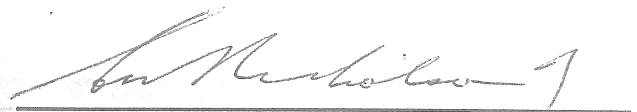
Mr Holani has been charged with a number of offences of dishonesty but more particularly with wounding with intent. He absconded and breached bail in April this year. On 17 June 1999 His Honour Judge Blackie declined to grant bail upon the grounds that the breach of bail did not give the Court any confidence that Mr Holani would appear at future times, and secondly the serious nature of the wounding charge. He said that added up he considered that Mr Holani should not be at large during the period of the remand.

Mr Holani has appealed and sworn an affidavit in which he stated that he had heard of the restorative justice programme and that his counsel was organising such a programme for him. He said that his conduct with relation to the assault matter was inexcusable but that the victim was someone he suspected of having a relationship with his wife, Maryanne Mafi, and that this caused him a lot of hurt.

Today the Crown have provided a report from Constable Fleming, stating that the victim, Mr Bodija, has been spoken to and has asked to convey to the Court that he had no relationship with any Maryanne Mafi, that he does not know this person and that any suggestion that he was involved with her is a figment of Mr Holani's imagination. Mr Bodija said that he suffered a great deal of pain, he became very angry and fearful of the defendant and he is still suffering pain in his head. He has come to grips with his feelings of anger and fear to a large extent but, with the matter dragging on, these feelings have come back. He wants to get on with his life without any contact whatsoever with the defendant.

In these circumstances, the prospect of a successful restorative justice outcome appear to be nil and this being so there is no basis upon which this Court on appeal could differ from the view of His Honour Judge Blackie. It was a view which was justified on the circumstances and nothing has changed.

Accordingly the appeal is dismissed.



C M Nicholson J