

ORIGINAL
IN THE HIGH COURT OF AUSTRALIA

PANARELLO

V.

THE QUEEN

ORIGINAL

REASONS FOR JUDGMENT

Oral Judgment delivered at SYDNEY

on Friday, 11th December 1964

A. C. Brooks, Government Printer, Melbourne

C.7639/60

PANARELLO

v.

THE QUEEN

ORAL JUDGMENT

JUDGMENT OF THE COURT
DELIVERED BY BARWICK C.J.

CORAM: BARWICK C.J.
KITTO J.
TAYLOR J.
WINDEYER J.
OWEN J.

PANARELLO

v.

THE QUEEN

Mr. Wright in this case has put before us, in a careful way, all we think that could be said in support of the appeal. He raises, first of all, on the appeal proper, an objection to the summing up of his Honour in respect of the onus of proof resting upon the Crown. We are of opinion that, taken in its totality in this case, there was no misdirection by his Honour with respect to the onus resting upon the Crown.

Mr. Wright also raises a matter which is not a matter of law, by way of objection to the summing up, in saying that his Honour inadequately placed before the jury the evidence of the medical witness on the question of the accused's capacity at the time of the commission of the act, on the issue of insanity. We have considered what Mr. Wright has put before us, but we are of opinion that this objection to the summing up cannot be sustained.

In those circumstances, the appeal will be dismissed.