



HIGH COURT OF AUSTRALIA

3 December 2025

FARSHCHI v THE KING
[2025] HCA 46

Today, the High Court unanimously dismissed an appeal from a judgment of the Court of Appeal of the Supreme Court of Victoria (Priest JA, Niall and Taylor JJA agreeing), holding that the explanation that "a reasonable doubt is not ... an unrealistic possibility" in s 64(1)(e) of the *Jury Directions Act 2015* (Vic) does not alter, impair, detract from or diminish the criminal standard of proof "beyond reasonable doubt". Section 64(1)(e) is picked up by s 68(1) of the *Judiciary Act 1903* (Cth) to apply to criminal trials where the trial court is exercising federal jurisdiction.

The appellant was tried on indictment before Chief Judge Kidd and a jury in the County Court of Victoria with two forced labour offences, contrary to ss 270.6A(1) and (2) of the *Criminal Code* (Cth). Section 68(2) of the *Judiciary Act* conferred federal jurisdiction upon the County Court with respect to the appellant's trial and conviction on indictment, and s 68(1) required the County Court to apply the laws of Victoria respecting the procedure for trial and conviction on indictment "so far as they are applicable to persons who are charged with offences against the laws of the Commonwealth in respect of whom jurisdiction is conferred", except to the extent that a Victorian law would be inconsistent with a Commonwealth law. In his charge to the jury, Chief Judge Kidd explained the phrase "proof beyond reasonable doubt", applying ss 63 and 64 of the *Jury Directions Act*. Chief Judge Kidd's explanation included that "[a] reasonable doubt is not an imaginary or fanciful doubt or an unrealistic possibility". The appellant was convicted of both offences, and his applications for leave to appeal against conviction and sentence to the Court of Appeal were refused.

The High Court unanimously held that the explanation in s 64(1)(e) does not alter, impair, detract from or diminish the criminal standard of proof. A majority of the Court held that s 64(1)(e) is not inconsistent with the criminal standard of proof beyond reasonable doubt in s 13.2(1) of the *Criminal Code*.

This statement is not intended to be a substitute for the reasons of the High Court or to be used in any later consideration of the Court's reasons.