

**IN THE DISTRICT COURT  
AT CHRISTCHURCH**

**CRI-2015-009-010351  
[2016] NZDC 5172**

**NEW ZEALAND POLICE**  
Prosecutor

v

**JASKARAN SINGH RANDHAWA**  
Defendant(s)

Hearing: 23 March 2016  
Appearances: A Trinder for the Prosecutor  
P Johnson for the Defendant  
Judgment: 23 March 2016

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**ORAL JUDGMENT OF JUDGE D J L SAUNDERS**

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[1] The defendant in this matter faces two charges arising out of an incident on 30 October 2015 at Christchurch. The incident complained about occurred shortly after a relationship breakup, and occurred late afternoon after the couple had completed their work duties and had gone to the defendant's car to talk about matters. I have heard evidence today of the accounts from both the complainant and the defendant as to the circumstances in which the discussions took place, firstly in the defendant's car and then subsequently after the complainant left the car and went to her vehicle a further incident that then occurred.

[2] There is one charge of Summary Offences assault, which relates to the defendant and which the prosecution says occurred in the defendant's vehicle as opposed to the incident that Mr Randhawa admitted took place in the course of the DVD interview, and which to some extent has been resiled from today in his

evidence before me. It is, however, the incident in the vehicle where the complainant says that he tried to pull her towards him to kiss her that forms the basis of that allegation. The second allegation is one which is completely denied that there was ever any threat to kill.

[3] The defendant admits that he was angry, emotional and that there was reference to him saying that she might wish to smash him, and talk of violence in that regard and where he made a fairly dramatic gesture by hitting the steering wheel to I suppose impress upon her that he was angry with what had happened, frustrated and that if she wanted him to hit her but that he did not, in fact, inflict any harm upon her. He denies that there was any threat to her, that she should have to look over her shoulder or to be concerned that he would try to kill her.

[4] The matter therefore comes to be determined based on the evidence that has been given by the parties today. The defendant's evidence is fresh in my mind as he has just completed giving his evidence, and I find him to have contradicted himself in relation to the events that have taken place. In comparison with his video interview which was shown to the Court a little earlier this morning with what he now says shows that he has not given a coherent or what might be termed entirely consistent replies to matters when these allegations were put to him. In part I have to take into account that he says that when he was interviewed on the evening of this particular incident that he had been consuming alcohol and he was to use his words "a wee bit drunk". On the other hand the allegations were fairly and clearly put to him by the constable and he gave explanations at that time.

[5] The prosecutor in cross-examining him today has put to him passages of evidence and he has resiled from certain of those comments, and has in effect said the only time that he placed his hand on her shoulder and asked for a kiss was when he had left his car and went over to speak to her at her vehicle.

[6] I am satisfied that the complainant has given the more consistent and reliable account of what occurred in the car after work when she agreed to meet with him so that they could talk. It is clear that she was obviously concerned about him and that as the conversation developed there was a lot of bad language used and threats were

made. I do not believe that she has manufactured the idea that she should have to look over her shoulder or that he had threatened to kill her. That is the very thing I believe that shook her about the way in which the conversation was going, and is the reason why she took the step of calling the police while she was seated in her car.

[7] I also accept her evidence when she says that the defendant was persistent and that he wanted to be able to kiss her again. Clearly the defendant had completely misread the cues of what this discussion was about. It was never about a consensual intimate contact by way of a kiss, even if the defendant now justifies that by saying that that was to be a last kiss or a way of saying goodbye. The evidence that he has given simply confirms that he was persistent in his intentions in that regard and I find that what the complainant has said about what happened in the car is the more reliable account of events that took place.

[8] I therefore find that he did intentionally apply force. Although not great at the time was sufficient to constitute an assault and that at the time when she was resisting and rejecting him he was angry, and that he did make the threats that are complained about which certainly resonated with the complainant to the point where she felt unsafe and needed to call the police. On that basis I am satisfied that the words used were used, that they were used with the intention of causing her alarm and that they did and were taken seriously by her at the time as a threat. Accordingly the elements of both charges have been proved beyond reasonable doubt and the defendant will be convicted.

D J L Saunders  
District Court Judge