

Assault occasioning Actual Bodily Harm

Count * is an allegation of assault occasioning actual bodily harm.

There are two parts to the offence of assault occasioning actual bodily harm.

(1) an assault – that is the unlawful use of force - for example intentionally ***pushing someone or grabbing their neck; and

(2) one of those assaults caused actual bodily harm. That means any hurt or injury that interferes with the health or comfort of the victim. The injury need not be serious or permanent.

It is enough for the assault to cause a minor or temporary injury.

The injuries described by C** and shown in the photographs – **cuts, a bruise and a lump to her head - do amount to actual bodily harm.

Both C** and W** say that those injuries were caused when D** pushed and grabbed C**.

If that is what happened, the defendant is guilty of assault occasioning actual bodily harm.

If though, he did not cause those injuries, or if they were simply the result of an accident, he is not guilty of assault occasioning actual bodily harm.

So, the key questions for you to answer in relation to Count *, having regard to all the evidence is

Did D** assault C**?

If he did, did that push or grab cause any of the injuries suffered by her?

If you are sure that the answer to both questions is “yes”, the defendant is guilty of Count *.

If the answer to either question may be “no”, he is not guilty of Count *.