

1986

POLICE COURT APPEALS

24th November, 1986

**Attorney General v. Sean Terence Jehan**

Judgment

**DEPUTY BAILIFF:** We do not accept that the Magistrate made any serious or relevant error in the distance over which the appellant drove on the wrong side of the road. The Magistrate had the plan before him, and had the advantage of having the stationary car marked upon it, and we do not accept that the Magistrate took insufficient note, that the appellant was overtaking a stationary vehicle. This was a very serious case of dangerous driving, indeed, the Police Report recommended a charge of reckless driving and the appellant was fortunate to be charged with a lesser offence. We do not consider the period of disqualification to be at all excessive having regard to the facts of the case. It is a factor that the appellant had already overtaken Walton, and there was a speeding offence only about eighteen months earlier, whereas Walton was a first offender, which we think makes a considerable difference. In the words of one of the authorities of Mr. Troy submitted to us: "It is essential to show such disparity between the sentences that any reasonable man would go away with a burning sense of grievance". That is R -v- Dickinson (1917 CLR 303 C.A) We don't think that the appellant would be at all justified in having a burning sense of grievance, and therefore we dismiss the appeal.