

TABBASUM MAHOMED

v

THE QUEEN

Court: Blanchard, McGrath and William Young J JJ

Counsel: P L Borich for Appellant
J C Pike for Crown

Judgment: 2 November 2010

JUDGMENT OF THE COURT

- A The application for leave to appeal is granted.**
- B The approved grounds are:**
- (i) Whether the evidence concerning the child's being left in the car on 19 December 2007 was admissible; and**
 - (ii) If so, whether the Judge's directions relating to that evidence were adequate.**

REASONS

[1] We decline leave on the further proposed ground, namely that the Crown failed to exclude the reasonable possibility that the child's injuries from which she

died were unsurvivable. The Court of Appeal was able to identify evidence that immediate medical attention might have made a difference. Where the possibility of survival existed, the failure to seek medical treatment must be regarded as an endangerment of the life of the child within s 152(2) of the Crimes Act 1961.

Solicitors:
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