

Shamir Chhetri, you have pleaded guilty to assault. At around 2.00 am on 17 February 2024 you were at a night club in Launceston with some friends. You had a disagreement with another man, Samuel Murfett, who was then aged 20, and he pushed you over. Then, when Mr Murfet was leaving the nightclub about 15 minutes later you and your friends approached him, and you hit him on the top of the head with a glass bottle. The force of the blow was hard enough to cut the skin on his head. He was taken to hospital and the cut had to be stitched up. You could have been guilty of the more serious crime of wounding, but the prosecution accept that you did not intend to cause a cut to Mr Murfett's head or realise that you may do so. However, almost anyone, if they stopped to think about it, would realise that a hard blow with a glass bottle to the top of someone's head would be very likely to cause this type of injury.

Immediately afterwards, you told the police that you did not do this. However that was not true because the cameras in the night club showed it was you. You then admitted what you had done and it is in your favour that you have now pleaded guilty. This was upsetting for Mr Murfett. He had to spend six hours in the hospital having his head stitched. His head was very sore and uncomfortable while it healed. It is very lucky he was not more badly hurt but he has made a full recovery.

You are now aged 29. You are a Nepalese man. An interpreter was required so that you would fully understand these proceedings. Your personal circumstances have been explained to me by your lawyer. You currently have a good job with a glazier and you have support in the community. You say you no longer regularly consume alcohol and that this was an isolated incident. However, although you have not been in trouble for doing something violent before, your driving record suggests that you may have had more of a problem with alcohol at the time. You will have to learn to control yourself and act without violence even if others may provoke you.

I am satisfied you are now sorry for what you did, however, judges and members of the community strongly disapprove of violence like this, committed late at night in public, in hotels and nightclubs. I am going to order that you perform some community service.

You are convicted on the indictment. I make a community corrections order for a period of 12 months from today. This is something which you must obey. It will be written down and given to you so you can better understand it. You must report to a probation officer at 111 Cameron Street in Launceston no later than 5.00 pm tomorrow. You must perform 70 hours of community service. You must not leave Tasmania without permission and you must let your probation officer know if you change address or employment. Because alcohol was at least partly involved in this assault I will also order that you must attend any educational or other programs and undergo assessment and treatment for alcohol dependency and submit to testing for alcohol use if your probation officer directs. Part of the order is that while it is in force you must not commit another offence for which you might go to prison. If you breach that condition or any of the other conditions of the order you may be brought back to court and sentenced again.

I make a compensation order in favour of Samuel Murfett but limited to any medical expenses incurred by him in relation to the treatment at the Launceston General Hospital or the removal of the stitches.