

***El Tahir v The Queen* [2011] VSCA 46 (4 March 2011) – Victorian Court of Appeal**

‘Breach of intervention order’ – ‘Exposing children’ – ‘Intentionally causing serious injury’ – ‘Mitigating circumstances’ – ‘Non-parole period’ – ‘Physical violence and harm’ – ‘Protection orders’ – ‘Sentencing’ – ‘Women’

Charge/s: Intentionally causing serious injury, breach of intervention order.

Appeal Type: Appeal against sentence.

Facts: The complainant was the applicant’s estranged wife. The complainant obtained an intervention order against the applicant. In the presence of their two children, the applicant stabbed the complainant in the back, slashed her fingers, punched her, kicked her and pulled some of her hair out.

Issue/s: The sentence was manifestly excessive.

Decision and Reasoning: The appeal was dismissed. The Court held at [23] that *‘the sentence was not manifestly excessive and, indeed, properly reflected the gravity of the offence after taking into account all mitigatory factors including the plea of guilty. The Court rightly treated with the utmost seriousness the appellant’s knife attack on his defenceless wife in the presence of their children and in circumstances which included the invasion of her home in breach of a court order. Further, the relative brevity of the non-parole period might be thought to properly and adequately take into account the personal circumstances of the appellant’.*