

Court clears Bendigo doctor

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Updated June 18 2012 - 7:25am, first published May 21 2012 - 3:46am



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A former Bendigo doctor has been found not guilty of a series of sexual assault charges after a re-trial in the Melbourne County Court.

Arvind Krishan Sharma, 38, was charged with seven counts of rape and three of indecent assault.

The charges related to a female complainant who police alleged was assaulted in Bendigo in December, 2006.

But after a day's deliberation, a 12 person jury yesterday afternoon dismissed all the charges against him.

Sharma originally faced Melbourne County Court in October 2010 on the same 10 charges.

After that trial, a jury found him guilty and he was sentenced to six years' jail with a non-parole period of four years.

But Sharma lodged an appeal of that decision, and was released on bail. When the case reached the Court of Appeal in November 2011 this original trial was declared a mistrial.

A subsequent re-trial was ordered which concluded yesterday with Sharma's acquittal.

The same evidence was used in both trials.

At the original trial, the court heard Sharma and the complainant were known to each other, had consensual sex three times before the night in question and had been nightclubbing before returning to his house on the night.

Sharma argued the sex was consensual and that both he and the woman were drunk.

The woman told the jury that she feigned sleep in the hope that Sharma would stop and did not complain because she was frightened of him.

During the sexual acts, Sharma took photos of himself and the woman on his mobile phone, and she said she heard him send a message from the phone after the incident.

According to court documents, the original trial was declared a mistrial on two grounds.

The first ground of appeal was that a substantial miscarriage of justice resulted from the failure of Sharma's defence counsel to cite evidence of his good character to the jury during the trial.

The second ground of appeal was that a substantial miscarriage of justice resulted from the failure of the trial judge to give any adequate directions to the jury concerning the intoxication of the complainant and victim.

Note: The Bendigo Advertiser wishes to clarify that the Dr Arvind Sharma referred to in this story is in no way related to another doctor with a similar name who practises medicine in Bendigo.

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