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1st wit)B46805 Sgt Fuckerling, L.D., Perth R, duly sworn, states:  
Prosn )

Recognize Pte Romain, he is the acsd (pointing) Pl was in reserve pos at RUMIGON river. At approx 0900 hrs 6 Oct I warned Pl that on one hours notice. At 1800 hrs 6 Oct I called roll & acsd absent. I searched Pl area & could not find him. Reported to Sgt Maj. was acsd, Romain, Beaudeau & White sitting on stairs at 1000 hrs & I told them that on one hrs notice.

AAJ: Do not make practice of warning Pl personally. Had gone up stairs & on way down these men on steps & I warned them then. called roll 1800 hrs.

re-exam: - were on steps & I told them.

Court: - stopped & said few words to them. were in reserve position - had moved up there to go into action. He moved into action - acsd not with us. Next saw him 14 Oct.

R.P. 83 (B) complied with.

2nd wit)U43769 Pl Kochlin, A, Perth R, duly sworn, states:-  
Prosn )

On 14 Oct 44 was Coy ord Pl. Pte Romain, the accused, (pointing), reported to me at 2030 hrs as returning from AWL.

AAJ: - Pte White was with him.

re-exam: - Nil

Court: - Nil

R.P. 83 (B) complied with

Prosn closed.

1st wit)The acsd, duly sworn, states:-  
Def )

On 6 Oct around 0900 hrs was either getting lndy or at offrs mess. was not on steps of ho.

AAJ: - Nil

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Court: - was alone while AWL - met White on way back. Left alone. I was batting for an offr & I had no confidence in him. I had been in with him once & wouldn't go back in with him - did not mention this to any one. I did not try to get a transfer.

R.P. 83 (B) complied with.

Prosn in closing - nothing.

Def offr in closing - Prosn has not proven acsd knew going into action.

JA sums up: - functions of court, credibility of witnesses, no req'd, presumption of innocence, burden on prosn, reasonable doubt, desertion, AA 56 & RP 44 (D)

Def offr in mitigation: -

Acsd in Pl since Mar - high strung and nervous. I made him my batman to steady him down. This was proven in action. He did job as batman for me. In last action was badly shaken by near hit. Had sore back & was treated & returned to duty. Pl came was new man & was going to make acsd a rflmn. Acsd became confused & went absent. When had been away realized had done wrong & started back. Due to action, etc had much difficulty in getting back. Finally met someone from Pl & he gave himself up to ord Pl. Acsd willing to return as batman. Always been faithful to me. Give him consideration & leniency.

"Whishaw Capt"