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Home Archive Store owner cleared of sex charge



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Store owner cleared of sex charge

Posted By GALEN EAGLE , EXAMINER COURT WRITER

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A Peterborough convenience store owner was vindicated yesterday after the Crown withdrew a sexual assault charge against him midway through the complainant's testimony.

A visibly relieved Ghulam Sarwar, 39, smiled as he walked out of the Ontario Court of Justice a free man.

"I'm very happy, so justice is done," Sarwar said. "I'm thankful to God. I'm thankful to my friends."

The complainant told court she was working her first night shift at the store alone when her boss, Sarwar, unexpectedly showed up in the early morning hours of June 29, 2008.

A publication ban protects her identity.

Sarwar asked the new employee to accompany her in the back room where he massaged her legs, feet and pulled down her pants to help her tuck in her uniform, the woman testified.

"He was very pushy. He was very adamant about doing what he was doing," she said.

Sarwar committed the alleged assaults during a time frame of about 30 to 45 minutes, she said.

The incident was interrupted several times when customers came into the store, she said.

Midway through her testimony yesterday, the complainant asked for a bathroom break and left the courtroom.

During that time Crown attorney Kelly Eberhard and Sarwar's lawyer Joseph Neuberger had a tête-à-tête while looking at the store's surveillance videos.

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Eberhard excused the complainant when she returned to the stand.

"Your honour, I'm calling no (more) evidence and I'm asking the charges before this court to be dismissed," Eberhard said.

The complainant's testimony was "completely out of line" with what the video surveillance showed, Neuberger explained to Mr. Justice Robert Beninger.

"The testimony today is completely at odds with the video surveillance," Neuberger told The Examiner.

"Based on those contradictions, the Crown agreed my client should be found not guilty ... so he's innocent."

Neuberger said the allegations caused a great amount of stress to his client, who has been living and working in Peterborough since 2005.

"He's delighted to be vindicated," he said.

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