

[TYSER, C.J. AND FISHER, J.]
April 16, 1913.

POLICE

v.

PARASKEVA GEORGI AND ANOTHER.

CRIMINAL PROCEDURE—MAGISTERIAL COURT—SUMMARY JURISDICTION—CHARGE NOT WITHIN THE CYPRUS COURTS OF JUSTICE ORDER, 1908, SCHEDULE 1, PART 1—CONSENT—CONVICTION OF OFFENCE WITHIN SUMMARY JURISDICTION WITH CONSENT.

The Appellants were brought before a Magisterial Court charged with larceny and unlawful possession of some rafters the value of which was not stated in the charges. They consented to be tried summarily and pleaded not guilty. The evidence for the prosecution showed that the value of the rafters was more than £2, but after some evidence for the defence had been heard the charges were modified (without any formal amendment being made) so as to reduce the value of the subject matter of the charges to under £2. The Court convicted the Appellants.

HELD: *That the convictions were bad inasmuch as the consent of the Appellants to be tried summarily had been given in respect of offences which it was not competent for the Court to try summarily and no consent to be dealt with summarily had been given by them in respect of the offences of which they had been convicted.*

[TYSER, C.J. AND FISHER, J.]
April 27, 1914.

HEIRS OF HAJI CHRISTOFI TZINGO

v.

CONSTANTINO HAJI TZINGO.

PRACTICE—ORDER XXII, RULE 6 REFEREE—REPORT—APPLICATION FOR JUDGMENT.

The Plaintiffs brought an action against the Defendant which was referred to a referee who duly filed a report. Upon the hearing of an application by the Plaintiffs for judgment in accordance with the report, the report was read in the presence of the advocates for the parties, and no objection being raised by the Defendant's advocate judgment was given in accordance therewith.

The Defendant appealed against the judgment alleging that the report dealt with matters not included in the reference.

HELD: *That having failed to raise any objection on the hearing of the application for judgment he was precluded from raising the question of the validity of the report on appeal.*

[TYSER, C.J. AND FISHER, J.]
December 4, 1914.

AGATHI APEYTOU

v.

JOSEPH PRINCE.

PRACTICE—JUDGMENT BY DEFAULT—APPLICATION TO SET ASIDE—APPEAL—ORDER XIV, RULE 4—ORDER XVII, RULE 1.

The Plaintiff sued the Defendant to recover a sum of money. At the hearing before the District Court the Plaintiff failed to appear, and judgment was given for the Defendant dismissing the action with costs.