

[O' BRIAIN, P., ZEKIA, VASSILIADES and JOSEPHIDES, JJ.]

THEODOROS PANAYIOTI SHOURRIS

*Applicant,*

*v.*

THE REPUBLIC

*Respondent,*

AND

GREGORIS N. KAZANTZIS

*Applicant,*

*v.*

THE POLICE

*Respondents.*

*(Criminal Applications Nos. 3 and 8/61).*

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Feb. 10

THEODOROS  
PANAYIOTI  
SHOURRIS  
*v.*  
THE REPUBLIC  
AND  
GREGORIS N.  
KAZANTZIS  
*v.*  
THE POLICE

*Criminal Procedure—Appeal—Appeal against conviction or sentence by the person convicted—Leave—No longer required—The Courts of Justice Law, 1960 (Law of the Republic No. 14 of 1960), section 25 (2)—Greek and Turkish texts of the sub-section—“δύνονται . . .” “hak olarak . . .”—No conflict between the two texts.*

The applicants, who were convicted and sentenced by a court exercising criminal jurisdiction, both applied severally to the High Court for leave to appeal under the relevant sections of Part V of the Criminal Procedure Law, Cap.155. Section 25(2) of the Courts of Justice Law, 1960, (Law of the Republic No. 14 of 1960) in its Greek version provides that “ . . . . . every such appeal may be made (“δύνονται να άσκηθή”) against conviction or sentence on any ground”. In the corresponding Turkish text, however, the words “hak olarak” are used. They mean “as of right”. On the question whether or not, in view of the discrepancy between the two versions, leave to appeal is required:—

*Held:* (1) There is no conflict between the Greek word “δύνονται” in section 25(2) of the Courts of Justice Law, 1960, and the word “hak olarak” used in the corresponding Turkish text of that sub-section. What is expressed by “hak olarak” in Turkish (“as of right”) is conveyed by the Greek word “δύνονται” used in the Greek version, which connotes, when unqualified, not merely the power or ability to appeal but also the legal right to do so.

(2) Consequently a person convicted may lodge a notice

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of appeal in all cases either against conviction or against sentence and leave by this Court or any Judge thereof is no longer a requisite.

*Both applications placed on the list  
for hearing as appeals.*

### **Applications for leave to appeal.**

These two applications (Nos. 3/61 and 8/61, respectively) were set down for hearing by the High Court as test cases after the enactment of the new Courts of Justice Law, 1960 (Law of the Republic No.14 of 1960), for a decision on the point whether leave to appeal was any more required as was the case prior to the enactment of the aforementioned law.

*B. Vassiliades* for applicant in application No. 3/61.

*A. Triantafyllides* for applicant in application No. 8/61.

*Criton Tornaritis*, Attorney-General, for the Republic.

The facts sufficiently appear in the judgment of the Court delivered by :

O'BRIAIN, P.: These are two applications for leave to appeal against conviction and sentence. The point for consideration, at this stage, is whether there is any difference in effect between the Greek text and the Turkish text of section 25(2) of the Courts of Justice Law, 1960. This section deals with appeals from a decision of a Court exercising criminal jurisdiction and it provides that every such decision shall be subject to an appeal to this Court. It then provides that such appeals against conviction or sentence may be made, on any ground, but in the Turkish text the words '*hak olarak*' are used. The Court is satisfied that they mean 'as of right'; no such adverbial phrase is found in the Greek text.

However, the matter has now been argued by the Attorney-General in person and by the counsel for the applicants and this Court is unanimously of opinion that there is, in effect, no difference between the two texts. What is expressed by '*hak olarak*' in Turkish ('as of right') is conveyed by the Greek word "δύνανται" used in the corresponding clause in the Greek version, which connotes, when unqualified, not merely the power or ability to appeal but also the legal right to do so and is not inconsistent with the Turkish text.

In the circumstances the Court is unanimously of the opinion that there is no conflict between the two texts. The other questions which might have arisen do not require consideration.

In the result, this Court is of opinion that in the case of appeal against conviction or sentence the section in question, section 25(2), gives a convicted person the right to appeal from every such decision and leave by this Court or any judge thereof is no longer a requisite. We shall place these two applications for leave to appeal on the list for hearing at an early date as appeals. Any other applications for leave to appeal already lodged with the Registrar will be listed similarly at an early date for hearing as appeals. In future, no such applications for leave to appeal should be made. A person convicted may lodge a notice of appeal in all cases.

*Both applications placed on  
the list for hearing as appeals.*

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