

DEMETRIOS K. MICHAELIDES,

Appellant,

v.

THE REPUBLIC,

Respondent.

DEMETRIOS K.
MICHAELIDES
v.
THE REPUBLIC

(*Criminal Appeal No. 2800*)

Criminal Law—Sentence—Appeal—Appeal against concurrent sentences of six years' and 2 year's imprisonment for uttering a false document and obtaining money by false pretences—The Criminal Code, Cap. 154, sections 335, 336, 339, 20 and 298—There can be no finding, in the circumstances of this case, that sentence was excessive—Even if old previous convictions taken into account by trial Court, are left out of consideration—Appeal dismissed.

The main ground relied upon by Counsel in this appeal against concurrent sentences of 6 and 2 years, imprisonment for

- (a) uttering a false document contrary to sections 335, 336, 339 and 20 of the Criminal Code, Cap. 154 : and
- (b) for obtaining money by false pretences contrary to section 298 of the Criminal Code, was that the trial Court has unduly taken into consideration appellant's previous convictions* some dating 13 years prior to conviction and sentence.

The Court of Appeal in dismissing the appeal held :

- (1) In this particular case. there was a lot of planning and scheming and also there was multiple forgery.
- (2) The sum involved was not a trifling one, it was something over £800 and out of the sum nothing was recovered.
- (3) Even if we leave out of consideration your previous convictions we would not find that the sentence passed on you was an excessive one.

Appeal dismissed. Sentence to run from the date of conviction.

* The previous convictions of the appellant appear at the end of the judgment at p. 114 post.

1965
Nov. 25

DIEMETRIOS K
MICHAELIDIS
v
THE REPUBLIC

Appeal against sentence.

Appeal against the sentence imposed on the appellant who was convicted on the 19.10.65 at the Assize Court of Nicosia (Criminal Case No. 10085/65) on two counts of the offences of forgery and obtaining money by false pretences contrary to sections 335, 336, 339, 20 and 298, of the Criminal Code, Cap. 154 and was sentenced by Dervish P.D.C. Georghiou and Mavrommatis, D.JJ., to six years' imprisonment on count 1 and two years' imprisonment on count 2, the sentences to run concurrently.

L. Papaphilippou, for the appellant.

S. Georghiades, counsel of the Republic, for the respondent.

The judgment of the Court was delivered by :

ZEKIA, P. : We have heard your counsel putting forward the grounds for reducing the sentence imposed on you. He made the point that the trial Court has unduly taken into consideration your previous convictions, some dating 13 years prior to your conviction and sentence. But in this particular case, there was a lot of planning and scheming and, also, there was multiple forgery ; also, the sum involved was not a trifling one, it was something over £800, and out of this sum nothing was recovered. Even if we leave out of consideration your previous convictions, we would not find that the sentence passed on you was an excessive one. In the circumstances, your appeal is dismissed and your sentence will run as from the date of conviction.

Appeal dismissed. Sentence to run from the date of conviction.

Previous Convictions :

1.	18.10.1952	Control of property belonging to the Crown	6 months' imprisonment
2.	28.10.1952	Attempting to set fire to goods in a building.	2 years' imprisonment to run after the expiration of the sentence in 1.
3.	6.11.1952	Being a bankrupt failed to keep property books	9 months' imprisonment.
4.	6.11.1952	Being a bankrupt destroyed books and documents relating to his property.	1 year imprisonment. Sentences in 3 and 4 were to run concurrently.