

STELIOS AGATHOCLI,

Appellant,

v.

THE REPUBLIC,

Respondent.

STELIOS
AGATHOCLI
v.
THE REPUBLIC

(Criminal Appeal No. 2799)

Criminal Law—Sentence—Appeal—Appeal against sentence of 5 years' imprisonment for carrying firearm (sten-gun)—The Firearms Law, Cap. 57, as amended by Law 11 of 1959—Interference with sentence not permitted by facts—Leniency extended to appellant in the past in respect of a similar offence, instead of benefiting, encouraged him to commit felony again—Appeal dismissed.

The appellant in the instant appeal appealed against the sentence of five years' imprisonment imposed on him for the offence of carrying firearm (sten-gun), contrary to sections 3 (1) (2) (a) of the Firearms Law, Cap. 57, as amended by Law 11 of 1959, on the ground that it was excessive.

The record showed that the appellant having been convicted for a similar offence in 1962 and sentenced to four years' imprisonment was released in a few months' time. The Court of appeal in dismissing the appeal held :

(1) We have heard your counsel on the point of excessiveness of sentence. He ably defended you but the facts are so much against you that this Court should not interfere with the sentence. Even if the Assize Court had imposed on you a longer sentence, it would have been very difficult for us to interfere with it.

(2) A glaring fact against you is that having committed a similar offence in 1962, you went to prison for four years, and you were released in a few months' time, having been treated so generously by the authorities ; instead of benefiting from the leniency extended to you it appears that this treatment encouraged you to commit a felony again. We dismiss your appeal and your sentence is to run from the date of conviction.

Appeal dismissed. Sentence to run from date of conviction.

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STELIOS

AGATHOCL

v.

THE REPUBLIC

Appeal against sentence.

Appeal against the sentence imposed on the appellant who was convicted on the 13.10.65, at the Assize Court of Limassol (Criminal Case No. 5589/65) on one count of the offence of carrying a firearm (sten-gun), contrary to section 3 (1) (2) (a) of the Firearms Law, Cap. 57, as amended by Law 11 of 1959, and was sentenced by Loizou, P.D.C., Malachos and Beha, D.JJ., to five years' imprisonment.

R. Constantinides, for the appellant.

A. Frangos, counsel of the Republic, for the respondent.

The judgment of the Court was delivered by :

ZEKIA, P. : We have heard your counsel on the point of excessiveness of sentence. He ably defended you, but the facts are so much against you that this Court could not interfere with the sentence. Even if the Assize Court had imposed on you a longer sentence, it would have been very difficult for us to interfere with it.

We need not repeat the facts of this case, but a glaring fact against you is that having committed a similar offence in 1962, you went to prison for four years, and you were released in a few months' time, having been treated so generously by the authorities ; instead of benefiting from the leniency extended to you, it appears that this treatment encouraged you to commit a felony again. We dismiss your appeal and your sentence is to run from the date of conviction.

Appeal dismissed. Sentence to run from date of conviction.