

1966  
Nov. 8

[VASSILIADES, AG. P., TRIANTAFYLLOIDES, AND STAVRINIDES, JJ.]

CHRISTOFIS  
GEORGHIOU  
v.  
THE POLICE

CHRISTOFIS GEORGHIOU,

*Appellant,*

v.

THE POLICE,

*Respondents.*

(Criminal Appeal No. 2850)

*Criminal Law—Sentence—Possessing indian hemp contrary to the Dangerous Drugs Law, Cap. 248 and the Dangerous Drugs Regulations, 1957, (as amended)—Appeal against a sentence of nine months' imprisonment as being excessive—Sentence imposed as aforesaid on the footing that appellant-accused is a drug addict in need of treatment—Affirmed—Dangers from the spreading of such social plague as the use of narcotics, need not stressing.*

*Criminal Procedure—Appeal—Evidence of a Government Mental Specialist heard before the Court of Appeal under the provisions of section 25 (3) of the Courts of Justice Law, 1960 (Law of the Republic No. 14 of 1960).*

**Appeal against sentence.**

Appeal against the sentence imposed on the appellant who was convicted on the 10th October, 1966, at the District Court of Nicosia (Criminal Case No. 16157/66) on one count of the offence of possessing indian hemp contrary to sections 6 (2) (b), 8 (b), 9 (b), and 22 (2) (3) of the Dangerous Drugs Law, Cap. 248, and the Dangerous Drugs Regulations, 1957, and was sentenced by Styliades, D.J., to nine months' imprisonment.

*A. Hji Ioannou, for the appellant.*

*A. Frangos, Counsel of the Republic, for the respondents.*

The judgment of the Court was delivered by :

VASSILIADES, AG. P. : This is an appeal against a sentence of 9 months' imprisonment, imposed by the District Court of Nicosia on the appellant for the possession of 50

grams of the drug known as indian hemp. The charge was based on the relevant provisions of the Dangerous Drugs Law, (Cap. 248) and the Dangerous Drugs Regulations, 1957, as amended at the time of the offence, viz. the 20th June, 1966. The punishment provided by the statute for the offence in question is three years imprisonment and a fine up to £50.

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The appellant pleaded guilty to the charge; and the trial Judge, taking into consideration the reports of the Probation Officer and of Dr. Drymiotis, a Government Mental Specialist, imposed the sentence in question, on the footing that the accused is a drug addict in need of treatment in an institution. The Probation Officer's report as well as the Psychiatric Report are on the record as exhibits "A" and "B" respectively, and speak for themselves.

This is one more of those pathetic cases where the victim of habitual use of narcotics has reached the stage of being dangerous to himself and his family, as well as to the community as a whole. The dangers from the spreading of such a social plague as the use of narcotics, need no stressing in this judgment.

After due consideration of the matter before us, including the evidence of Dr. Drymiotis before this Court,—(which was made available at such short notice, and was received under the provisions of section 25 (3) of the Courts of Justice Law, 1960)—we have come to the conclusion that this appeal must fail; and the sentence imposed by the trial Court be affirmed.

We have the assurance of learned Counsel for the Republic that the appropriate Government Specialist shall keep a constant watch on this case in co-operation with the Prison doctor as well as the Welfare Officer concerned, so as to give this unfortunate drug-addict the opportunity to have all available medical and social assistance in combating his affliction.

Appeal dismissed; with directions in an order under section 147 of the Criminal Procedure Law (Cap. 155) for the sentence to run from the date of conviction.

*Order in terms.*