

ANASTASSIS PANAYI MANTIS,

Appellant,

v.

THE REPUBLIC,

Respondent.

ANASTASSIS
PANAYI
MANTIS
v.
THE REPUBLIC

(Criminal Appeal No. 3044)

Criminal Law—Sentence—Sentence of five years' imprisonment for shop-breaking and stealing contrary to sections 294 (a) and 255 of the Criminal Code, Cap. 154—Sentence inadequate in the circumstances, particularly those pertaining to the offender—Sentence increased by the Appellate Court to the maximum sentence provided by the Law, i.e. to seven years' imprisonment—Criminal Procedure Law, Cap. 155, section 145 (2).

Sentence—Appeal against sentence by the offender—Sentence increased by the Court exercising its powers under section 145 (2) of the Criminal Procedure Law, Cap. 155—See, also, above.

Criminal Procedure—Sentence—Appeal—Sentence increased—Section 145 (2) of Cap. 155 (supra)—See above.

Appeal—Appeal against sentence—See above under Criminal Law.

Shop-breaking and stealing contrary to sections 294 (a) and 255 of the Criminal Code, Cap. 154—Sentence—See above under Criminal Law.

This is an appeal by the offender against a sentence of five years' imprisonment imposed on him by the Assize Court of Larnaca for shop-breaking and stealing. The appeal was taken by the appellant in person on the ground that it is excessive.

The Court taking into consideration the circumstances of this case, particularly those pertaining to the offender, and exercising its powers under section 145 (2) of the Criminal Procedure Law, Cap. 155, increased the sentence to the maximum allowed by the Law (i.e. to seven years' imprisonment to run from the date of the dismissal of the appeal.

Appeal dismissed. Sentence increased as above.

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Cases referred to :

Savva v. The Republic, (reported in this Part at p. 218 *ante*).

Appeal against conviction and sentence.

Appeal against conviction and sentence by Anastassis Panayi Mantis who was convicted on the 3rd October, 1968, at the Assize Court of Larnaca (Criminal Case No. 2173/68) on one count of the offence of store-breaking and stealing contrary to sections 294 (a) and 255 of the Criminal Code, Cap. 154, and was sentenced by Georghiou, P.D.C., Orphanides and A. Demetriou, D.JJ., to five years' imprisonment.

Appellant, appearing in person.

M. Kyprianou, Counsel of the Republic, for the respondent.

The judgment of the Court was delivered by :

VASSILIADES, P.: 'This is an appeal against a sentence of five years' imprisonment imposed on the appellant by the Assize Court of Larnaca for shop-breaking and stealing. The appeal was taken by the appellant personally on the ground that the sentence imposed by the trial Court is excessive.

After hearing the appellant we called upon counsel for the Republic on the adequacy of the sentence in the circumstances of this case; and particularly the circumstances pertaining to the offender. Learned counsel submitted that considering the criminal record of the appellant and the fact that two other cases of a similar nature were taken into consideration, at the request of the accused, in passing sentence in the present case, the sentence imposed by the trial Court is inadequate.

We have no hesitation in accepting the submission of learned counsel for the Republic. In dealing with the sentence the trial Court had this to say :

" We have taken into consideration your past record ; you have about 23 previous convictions ; and we have also taken into account, at your request, two outstanding offences against you, which you have admitted. We think that we would be justified if we imposed on you the maximum sentence provided by Law. However, we are prepared to extend to you the utmost leniency, hoping that you will appreciate this."

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The sentence provided by the Criminal Code for shop-breaking and stealing is seven years imprisonment (section 294 of Cap. 154). Attached to the record there is a list of the previous convictions of the appellant referred to in the judgment of the trial Court. They are mostly convictions connected with stealing, house-breaking and shop-breaking, with sentences varying from small fines to five years' imprisonment (in 1960). This is a mirror of the activities of the appellant over a period of 13 years, clearly reflecting a character dangerous for a man of 33 years of age, carrying the responsibility of a wife and three infant children ; dangerous to himself, to his family, and to the community.

Indeed, we are of opinion that the trial Court correctly appreciated the position when they felt that they would be justified in imposing the maximum sentence provided by the law. We see no reason whatsoever justifying the leniency they extended against, apparently, all hope of making the appellant change his way of life.

We have had occasion to deal with the question of sentencing in the previous case (Criminal Appeal 3051) * just concluded and we do not think it is necessary to go over the same ground again. We have no doubt that the appropriate sentence in this case is the term of imprisonment provided by the law ; and exercising our powers under section 145 (2) of the Criminal Procedure Law, Cap. 155, we increase the sentence to one of seven years' imprisonment from to day.

Order accordingly.

*Appeal dismissed ; sentence
increased as above.*

* *Sarra v. Republic*, reported in this Part at p. 218 ante.