[VASSILIADES, P., TRIANTAFYLLIDES, HADJIANASTASSIOU, JJ.]

MICHALAKIS PHYLAKTOU AND ANOTHER,
Appellants,

v.

THE REPUBLIC,
Respondent.

(*Criminal Appeals Nos.* 3171 *and* 3172).

Sentence—Robbery with violence contrary to section 283 *of the Criminal Code, Cap.* 154—*Sentence of three years' imprisonment imposed—Appeal—No reason shown justifying interference with sentence.*

Appeal—Sentence—Approach of the Court of Appeal to appeals against sentence.

The facts sufficiently appear in the judgment of the Court dismissing these appeals against sentence.

Cases referred to :

Kougkas and Others v. *The Police* (1968) 2 C.L.R. 209 ;

Evangelou v. *The Police* (reported in this Part at p. 45 *ante*).

Appeal against sentence.

Appeal against sentence by Michalakis Phylaktou and Christakis Agathocleous *alias* Patikkis who were convicted on the 18th May, 1970, at the Assize Court of Limassol (Criminal Case No. 4564/70) on one count of the offence of robbery with violence contrary to sections 282, 283 and 20 of the Criminal Code, Cap. 154, and each of them was sentenced by Malachtos, P.D.C., Vassiliades and Loris, D.JJ., to 3 years' imprisonment.

Appellants appearing in person.

S. Nicolaides, Counsel of the Republic, for the respondent.

The following judgment was delivered by :

VASSILIADES, P. : We find it unnecessary to call upon you Mr. Nicolaides.

These two consolidated appeals arise in the same case. Both appellants were jointly charged and convicted in the Assize Court of Limassol on a charge of robbery with violence. They were both defended by the same advocate at the trial ; and both pleaded guilty to the charge. They were sentenced to three years' imprisonment ; and they have both appealed against sentence on the ground that the sentence imposed by the trial Court is manifestly excessive.

The facts appear sufficiently in the judgment of the trial Court who went very carefully into the matter and fully considered the submissions made on behalf of these young appellants by their advocate. The Court had moreover before them the previous convictions of the appellants as well as the social investigation reports prepared for each, in view of their age and the seriousness of the charge.

The short facts of the case are that these two youths having seen an old shepherd from a neighbouring village selling his produce in their village, they laid in wait for him at a suitable point on the road away from the village and robbed him of his purse which contained some £20, using violence in the commission of the crime. They pulled the old man off his donkey and forced him with the use of personal violence to give them his purse.

The first appellant aged nearly 17, has two previous convictions : One in June, 1967, for unlawful wounding for which he was bound over with his father as surety, in the sum of £25, for three years to come up for judgment ; and one in December, 1969, for housebreaking for which he was put on probation for three years. He committed the present offence in March, 1970, i.e. some three months after he was put on probation.

The second appellant aged about 19, was convicted for housebreaking and stealing in September, 1967, for which he was bound over in the sum of £25 with his father as surety, for three years, to come up for judgment.

The social investigation reports regarding the appellants, leave no doubt that they both need institutional treatment for a sufficiently long period to enable such treatment to have the desired effect on the appellants.

The approach of this Court to appeals against sentence has been settled in a line of cases. We shall only refer to *Michael Kougkas* v. *The Police* (1968) 2 C.L.R. 209 ;

and *Andreas Evangelou* v. *The Police* (reported in this Part at p. 45 *ante*). The Court will not interfere with a sentence imposed by the trial Court unless it is shown that the sentence was measured on wrong principle, or that the sentence imposed, is, in the circumstances of the particular case, manifestly inadequate or manifestly excessive so as to justify intervention by this Court. In the instant case no such reason has been shown ; and we do not propose interfering with the sentence. In view, however, of all circumstances, including the age of the appellants, we think that we should give directions under section 147 (1) of the Criminal Procedure Law, Cap. 155, for the sentence in both appeals to run from conviction.

Both appeals dismissed. The sentence in each case to run from conviction.

Appeal dismissed.