

1971  
Sept. 10

[TRIANTAFYLIDIS, P., L. LOIZOU, MALACHTOS, JJ.]

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LOUCAS COSTA  
SOLOMONIDES  
v.  
THE POLICE

LOUCAS COSTA SOLOMONIDES,

*Appellant,*

v.

THE POLICE,

*Respondents.*

(Criminal Appeal No. 3269).

*Sentence—Two and a half years' imprisonment for possessing narcotics (cannabis sativa)—Sections 6 and 24 of the Narcotic Drugs Law, 1967 (Law No. 3 of 1967) and Regulation 5 of the Narcotic Drugs Regulations 1967—Fact that Appellant, immediately after his arrest, volunteered information to the Police which led to the detection of five other similar offences committed by others not placed before the trial Court—Had the trial Court known of this fact it would, and should, have imposed a more lenient sentence—Desirability of encouraging offenders to assist the Police in discovering accomplices or other offenders—Such encouragement can be achieved by passing lenient sentences upon those assisting the Police—Sentence of two and a half years' imprisonment passed upon the Appellant, reduced to one of eighteen months' imprisonment (Cf. Loizou v. The Republic, reported in this Part at p. 196, ante).*

*Narcotic Drugs—Possessing—Sentence—Reduced on appeal—See supra.*

*Appeal—Sentence—See supra.*

Allowing the appeal and reducing the sentence of two and a half years' imprisonment imposed on the Appellant by the trial Court into one of eighteen months' imprisonment, the Supreme Court:—

*Held, (1).* It transpired today that the trial Court was not informed of the fact that the Appellant, immediately after his arrest for the present offence, volunteered to the police information which led to the detection of the commission by others of five offences of a similar nature. We are of the view that had the trial Court known of the said conduct of the Appellant after his arrest it would, and should, have passed upon him a less severe sentence.

(2) It is in the interest of the effort to fight the crime to encourage offenders to assist, after their arrest, the police in discovering either accomplices or other offenders; and such encouragement can be achieved by passing lenient sentences upon those who have assisted the police as aforesaid (see *Loizou v. The Republic* reported in this Part at p. 196, *ante*).

(3) For this reason we have decided to reduce the sentence passed upon the Appellant to one of eighteen months' imprisonment.

*Appeal allowed. Sentence reduced as above.*

Cases referred to:

*Loizou v. The Republic* (reported in this Part at p. 196, *ante*).

#### **Appeal against sentence.**

Appeal against sentence by Loucas Costa Solomonides who was convicted on the 23rd June, 1971 at the District Court of Nicosia (Criminal Case No. 2097/71) on one count of the offence of possessing narcotic drugs contrary to sections 6 and 24 of the Narcotic Drugs Law, 1967 (Law 3/67) and regulation 5 of the Narcotic Drugs Regulations 1967 and was sentenced by Papadopoulos, D.J. to 2½ years' imprisonment.

*Chr. Artemides with St. Tamasios*, for the Appellant.

*A. Frangos*, Senior Counsel of the Republic, for the Respondents.

The judgment of the Court was delivered by:

TRIANTAFYLLIDES, P.: The Appellant appeals against the sentence of two and a half years' imprisonment which was passed upon him after having been found guilty, on his own plea, of the offence of possessing a narcotic drug, viz. cannabis sativa, contrary to the relevant provisions of the Narcotic Drugs Law, 1967 (3/67) and the Narcotic Drugs Regulations, 1967.

It transpired today, during the hearing of this appeal, that neither the Appellant, who appeared without the assistance of counsel before the trial Court, nor the prosecution side mentioned to the trial Court the fact that the Appellant,

1971

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immediately after his arrest for the present offence, volunteered to the police information which led to the detection of the commission by others of five offences of a similar nature.

We are of the view that had the trial Court known of the said conduct of the Appellant after his arrest it would, and should, have passed upon him a less severe sentence. It is in the interest of the effort to fight crime to encourage offenders to assist, after their arrest, the police in discovering either accomplices or other offenders; and such encouragement can be achieved by passing lenient sentences upon those who have assisted the police as aforesaid (see *Loizou v. The Republic*, (reported in this Part at p. 196 *ante*).

For this reason we have decided to reduce the sentence passed upon the Appellant to one of eighteen months' imprisonment; and it is to run from the date of conviction.

*Appeal allowed.*