

1971  
Oct. 22

[TRIANTAFYLIDIS, P., HADJIANASTASSIOU, A. LOIZOU, JJ.]

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THE ATTORNEY-  
GENERAL OF  
THE REPUBLIC

THE ATTORNEY-GENERAL OF THE REPUBLIC,

*Appellant,*

v.

v.  
ANDREAS  
HJIPANTELI

ANDREAS HJIPANTELI,

*Respondent.*

(*Criminal Appeal No. 3281*).

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*Sentence—Section 5(1) of the Wireless Telegraphy Law, Cap. 307—Attorney-General's appeal against inadequacy of sentence imposed for dealing in wireless telegraphy apparatus without licence—Serious view should be taken of such offences which may have directly or indirectly adverse repercussions on the revenue of the State—Sentence of binding over etc. held inadequate—Increased to one of fine in the sum of £25.—*

*Sentence—Inadequacy of—Appeal by the Attorney-General—Sentence increased—See supra.*

*Wireless Telegraphy Law, Cap. 307—Section 5(1)—Dealing with wireless telegraphy apparatus without licence—Sentence—Serious view should be taken of such offences, considering adverse repercussions on the revenue of the State—See further supra.*

The facts sufficiently appear in the judgment of the Court whereby, allowing this appeal against sentence by the Attorney-General, they increased the sentence imposed as being manifestly inadequate in the circumstances.

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

Appeal by the Attorney-General of the Republic against the inadequacy of the sentence imposed on the Respondent Andreas Hji Panteli, who was convicted at the District Court of Nicosia (Criminal Case No. 9996/71) on one count of the offence of dealing in wireless telegraphy apparatus without a licence contrary to section 5(1) of the Wireless Telegraphy Law, Cap. 307 and was bound over in the sum of £50.— for one year to keep the peace and be of good behaviour, by Pierides, Ag. D.J.

A. Frangos, Senior Counsel of the Republic, for the Appellant.

L. Clerides, for the Respondent.

The judgment of the Court was delivered by:—

TRIANTAFYLLIDES, P.: This is an appeal against sentence filed by the Attorney-General of the Republic in relation to the punishment imposed on the Respondent after he had pleaded guilty to the offence of dealing in wireless telegraphy apparatus, viz. radio sets and television sets, without a licence, contrary to section 5(1) of the Wireless Telegraphy Law, Cap. 307, during the period between the 1st October, 1970, and the 25th November, 1970. The sentence passed on the Respondent was a binding over in the sum of £50 for one year to keep the peace and be of good behaviour.

It is not possible on the basis of the material before us to know with exactitude the quantity of wireless telegraphy apparatus in which the Respondent dealt without a licence during the aforesaid period of about two months. But it is quite clear that such quantity could not have been negligible. As a rule, a serious view should be taken of offences such as the present one which may, *inter alia*, have, directly or indirectly, adverse repercussions on the revenue of the State; we do think, thus, that the sentence passed on the Respondent is manifestly inadequate and we have decided—having treated any doubt as to the exact quantity of the apparatus concerned as being a factor operating in favour of the Respondent—that the proper sentence, in the circumstances, is a fine of £25, or, in default, one month's imprisonment.

The appeal, is therefore, allowed; the sentence appealed against is set aside and sentence of a fine of £25 is imposed.

*Appeal allowed.*

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