

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

1971  
Nov. 23  
—  
ANTIGONI  
KELESHI  
v.  
THE POLICE

ANTIGONI KELESHI,

*Appellant,*

v.

THE POLICE,

*Respondents.*

(*Criminal Appeal No. 3289*).

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*Sentence—Appeal against sentence of fine and binding over for assault causing actual bodily harm—Section 243 of the Criminal Code Cap. 154—All proper considerations taken into account in assessing sentence—Non punishing, in other proceedings, more severely the complainants, who allegedly were to blame for the fight, not a sufficient reason for reducing the sentence—Sentence not manifestly excessive—Appeal dismissed.*

*Assault—Causing actual bodily harm—Section 243 of the Criminal Code, Cap. 154—Sentence—See above under Sentence.*

### **Appeal against sentence.**

Appeal against sentence by Antigoni Keleshi who was convicted on the 8th October, 1971 at the District Court of Nicosia (Criminal Case No. 9993/71) on two counts of the offence of assault causing actual bodily harm contrary to section 243 of the Criminal Code Cap. 154 and was sentenced by Colotas, D.J. to pay a fine of £10.— and was further bound over in the sum of £30.— for one year to keep the peace and be of good behaviour.

*G. Platritis*, for the Appellant.

*K. Talarides*, Senior Counsel of the Republic, for the Respondents.

The judgment of the Court was delivered by:—

TRIANTAFYLLIDES, P.: In this case the Appellant appeals against the sentence of £10 fine, which was imposed on her

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in respect of the offence of assault causing actual bodily harm, contrary to section 243 of the Criminal Code, Cap. 154, and the sentence of being bound over in the sum of £30 for one year to keep the peace and be of good behaviour, which was imposed on her in respect of a similar offence committed against another complainant. Both offences, to which the Appellant pleaded guilty, were committed when the Appellant was involved in a fight with the two complainants, during which she caused them certain injuries which, fortunately, were not of a serious nature.

The main submission of counsel for the Appellant is that on the two complainants, who were tried separately by the same District Judge immediately after the aforesaid sentences were imposed on the Appellant, there were passed the same sentences as on the Appellant, though, according to counsel's contention, the complainants, and not the Appellant, were to blame for the fight.

From the record before us—and we cannot take into account the record of the other proceedings—it is clear that the trial Court took into account all proper considerations in assessing the punishment imposed on the Appellant; and such punishment, for this kind of offences, cannot be said to be manifestly excessive in the circumstances.

Whether or not he ought to have punished more severely the complainants is not a sufficient reason for reducing the sentences complained of in this appeal, which is, accordingly, dismissed.

*Appeal dismissed.*