

PAVLOS LEANDROU,

Appellant,

v.

PAVLOS
LEANDROU
v.
THE POLICE

THE POLICE,

Respondents.

(*Criminal Appeal No. 3219*).

*Sentence—Eighteen months' imprisonment for stealing by agent—
Sections 255 and 270 (b) of the Criminal Code Cap. 154—
Appeal—No reason shown for interference with sentence—Appeal
dismissed.*

*Sentence—Primary responsibility for measuring sentence rests with
trial Courts—Principles upon which the Court of Appeal will
interfere with sentences imposed by trial Courts.*

*Social Investigation Reports—Very valuable in connection with
sentence.*

Institutional treatment—Reformation.

Cases referred to:

Kougkas v. The Police (1968) 2 C.L.R. 209, at p. 212.

The facts sufficiently appear in the judgment of the Court
dismissing this appeal against sentence.

Appeal against sentence.

Appeal against sentence by Pavlos Leandrou who was
convicted on the 14th November, 1970 at the District Court
of Limassol (Criminal Case No. 11545/70) on one count of
the offence of stealing by agent contrary to sections 255 and
270(b) of the Criminal Code Cap. 154 and was sentenced by
Loris, D.J. to 18 months' imprisonment.

D. Papachrysostomou, for the Appellant.

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

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The judgment of the Court was delivered by:

VASSILIADES, P.: After hearing counsel for the Appellant on the contents of the reports (the social investigation report dated the 11th December, 1970; and the prison social progress report, dated the 27th February, 1971), now on the record, we are confirmed in our view that such reports are very valuable in connection with sentence.

In the circumstances of this case and in the light of the reports now before us, we are unanimous in the opinion that no reason has been shown for intervention by this Court with the sentence imposed by the trial Judge.

The Appellant, a young man of 26 years of age, was convicted in the District Court of Limassol upon his own plea of guilty, for the offence of misappropriating the sum of £24 450 mils which the Appellant collected as the agent of his foreman who had authorised the Appellant to collect his wages for him, when the Appellant would be collecting his own pay.

About a month later the Appellant returned the money to the complainant, but this is only a circumstance which can go towards mitigation. It does not affect either guilt or the moral turpitude involved in the commission of the offence.

Before passing sentence in this case, the trial Judge was requested by counsel for the defendant to take into consideration under section 81 of the Criminal Procedure Law, Cap. 155, another outstanding case against him for the larceny of fifty packets of cigarettes valued at £7 075 mils, which the Appellant committed about two months after the offence charged in this case. For both these offences the trial Judge, after taking into consideration what counsel on behalf of the Appellant had to say in mitigation (including the fact that the accused is a married man with two minor children), found himself forced to the conclusion that the proper sentence was one of imprisonment, and imposed on the Appellant a term of 18 months.

As repeatedly stated by this Court, the primary responsibility for measuring sentence rests with the trial Court, and this Court will only interfere on appeal, if it is shown that there is sufficient reason for doing so. As we have already said, no such reason has been shown in this case; and this appeal

must be dismissed. (See *Michael Kougkas v. The Police* (1968) 2 C.L.R. 209 at p. 212).

We can have no doubt that one of the fundamental considerations that the trial Judge had in mind in imposing this sentence was the institutional treatment of the defendant with a view to his reformation. The reports before us confirm that institutional treatment has already had its beneficial effect on the Appellant. In the hands of the proper authorities one can reasonably expect that the Appellant shall derive still more benefit from his cooperation with the prison authorities; and when they are satisfied that he may be trusted with the responsibility of keeping on the right track, the authorities will, no doubt, use the machinery which will put the Appellant on the test; continuing, as it is regularly done, to watch and assist him after release from prison. This, however, is a matter entirely in the hands of other authorities. As far as the appeal is concerned, it has to be dismissed; with directions that the sentence will run from the date of conviction.

Appeal dismissed. Directions accordingly.

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