

1973  
Nov. 6

THE ATTORNEY-  
GENERAL OF  
THE REPUBLIC  
v.  
SOFOCLES  
CHRISTODOULOU  
AND OTHERS

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

THE ATTORNEY-GENERAL OF THE REPUBLIC,  
*Applicant,*  
v.  
SOFOCLES CHRISTODOULOU AND OTHERS,  
*Respondents.*

(*Criminal Application No. 14/73*).

---

*Criminal Procedure—Change of place of preliminary inquiry—Due notice of application for such change given to the Respondents through personal service—Who said that they did not wish to appear—Application dealt with by the Supreme Court in their absence—Criminal Procedure Law, Cap. 155, section 174(1)(e).*

*Change of place of preliminary inquiry—Application for—See surpa.*

The facts sufficiently appear in the judgment of the Supreme Court granting the application of the Attorney-General for change of the place at which the preliminary inquiry in this case is to be held.

#### **Application.**

Application by the Attorney-General of the Republic for an order of the Court that the Preliminary Inquiry in Limassol Criminal Case No. 11904/73 be held at the District Court of Nicosia.

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

All Respondents absent.

*Mr. Frangos* informs the Court that the Respondents refused to be brought to the Court from the Central Prisons, where they are in custody.

(An affidavit of personal service, on each one of the Respondents, of a copy of the present application, is filed).

*Kyriacos Solomonides, s/s:-*

I am a police officer carrying out the duties of Town Officer of Nicosia and suburbs. On the 5th November, 1973, I visited the Central Prisons and I saw all four Respondents in this case. I informed them that today there was to be heard an application of the Attorney-General seeking that their case be transferred for preliminary inquiry in Nicosia, instead of in Limassol, and each one of them gave me a reply which I recorded in my notebook; their replies were to the effect that they respect the Court, but that they do not want to appear in Court because the charges filed against them ought to be different.

*Mr. Frangos:* I apply for the order sought by the present application.

*Court:* As the Respondents have been given due notice, through personal service on them of the application, and as they said that they do not wish to appear today, we shall proceed to deal with the application in their absence; we do not consider that their presence is necessary for the purposes of these proceedings.

In the light of the affidavit filed in support of the application we order, under section 174 (1) (e) of the Criminal Procedure Law, Cap. 155, that the preliminary inquiry in Case No. 11904/73, of the District Court of Limassol, shall be held in the District Court of Nicosia; any extra costs of the defence, resulting from the order, shall be met out of public funds.

*Application granted.*

1973  
Nov. 6

—  
THE ATTORNEY-  
GENERAL OF  
THE REPUBLIC  
v.  
SOFOCLES  
CHRISTODOULOU  
AND OTHERS