

1975
Sept. 16

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IOANNIS
POLYKRATIS

v.
THE POLICE

[TRIANAFYLLIDES, P., STAVRINIDES, L. LOIZOU, JJ.]

IOANNIS POLYKRATIS,

Appellant,

v.

THE POLICE,

Respondents.

(Criminal Appeal No. 3642).

Criminal Law—Sentence—Common assault contrary to section 242 of the Criminal Code, Cap. 154—Four months' imprisonment—Medical report—Appellant a person of a rather violent disposition—Sentence of imprisonment will benefit both him and society, in the sense that he will have a further chance to reform with the help of institutional treatment and society will be protected, even if only temporarily, from his violent tendencies—Appeal dismissed. 5

This was an appeal against a sentence of four months' imprisonment for common assault. The Court of Appeal, after considering a medical report, which was prepared at their instance after the appellant had attributed the commission of the offence to personality disorders, dismissed the appeal for the reasons stated in the rubric. 15

Appeal dismissed.

Appeal against sentence.

Appeal against sentence by Ioannis Polykratis who was convicted on the 21st July, 1975 at the District Court of Nicosia (Criminal Case No. 8027/75) on one count of the offence of common assault contrary to section 242 of the Criminal Code Cap. 154 and was sentenced by Papadopoulos, S.D.J. to four months' imprisonment. 20

Appellant appeared in person.

Gl. Michaelides, for the respondents. 25

The judgment of the Court was delivered by :-

TRIANAFYLLIDES, P. : The appellant was sentenced to four months' imprisonment for having assaulted his wife,

contrary to section 242 of the Criminal Code, Cap. 154; and he has appealed against this sentence.

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At the previous hearing of this appeal he has attributed the commission of the above offence, as well as the com-
5 mission of similar offences in the past, to personality disorders allegedly caused by concussion which he suffered in a traffic accident; we asked, therefore, for a medical report which is now before us; its material part reads as follows :-

10 "We are of the opinion that this individual is basically a personality disordered person with strong antisocial impulses if he is to gratify his immediate needs. Under stress he displays neurotic-hysterical be-
15 haviour aiming at a specific goal. Concluding we feel that he is aware of the nature of his actions and their consequences.

Unfortunately the prognosis is poor as there is very little psychiatry can do about such cases."

It is, thus, obvious that the appellant is a person of
20 a rather violent disposition and we think that the sentence of imprisonment which was imposed on him will, indeed, benefit both him and society, in the sense that he will have a further chance to reform with the help of institutional treatment and society will be protected,
25 even if only temporarily, from his violent tendencies.

We see no reason to interfere with the sentence passed by the trial Court and so this appeal is dismissed.

Appeal dismissed.