

IOANNIS YIAKOUIMIS,

*Appellant.*

v.

IOANNIS  
YIAKOUIMIS

v.

THE POLICE

THE POLICE,

*Respondents.*

( *Criminal Appeal No. 3672*).

5 *Road Traffic—Careless driving—Section 8 of the Motor Vehicles and  
Road Traffic Law, 1972 (Law 86 of 1972)—Collision at junction  
controlled by traffic lights—Whether or not somebody entering a  
junction with traffic lights in his favour can be found to be guilty  
of negligence, if he collides with a car entering the junction against  
the lights, is a possibility to be examined on the basis of the parti-  
cular circumstances of each individual case—Circumstances in  
which such a person can be found guilty of negligence—Grounds on  
10 which conviction was based the product of speculation—Not at all  
safe to hold that the charge was proved with the certainty required  
in a criminal case.*

*Traffic lights—Collision at junction controlled by traffic lights.*

15 A car driven by the appellant collided with another car, at a  
junction controlled by traffic lights. The Judge acquitted the  
appellant on a count charging him with failure to stop at the  
traffic lights; but, he proceeded to convict him on a count charging  
him with careless driving on the ground that the appellant  
did not slow down at the traffic lights when entering the junction,  
but kept on driving at the same speed, not below 30 m.p.h.  
20 The Judge stressed that there were no signs of the appellant  
having applied his brakes or having taken any other precaution.

The appellant appealed against conviction:

25 *Held, allowing the appeal, whether or not somebody who  
enters a junction with the lights in his favour can be found  
guilty of negligence, if he collides with a car entering the junction  
against the lights, is a possibility to be examined on the basis  
of the particular circumstances of each individual case (see,  
inter alia, Wilkinson's Road Traffic Offences, 7th ed. pp. 246-  
248, and Radburn v. Kemp [1971] 3 All E.R. 249). Merely on*

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the strength of what the Judge stated, as above, and which to a very large extent are the product of speculation based on the resultant position of the appellant's car, it was not at all safe to hold that the charge of driving without due care and attention was proved with the certainty required in a criminal case. 5

*Appeal allowed.*

Cases referred to:

*Radburn v. Kemp* [1971] 3 All E.R. 249.

**Appeal against conviction.**

Appeal against conviction by Ioannis Yiakourmis who was convicted on the 20th November, 1975 at the District Court of Nicosia (Criminal Case No. 2249/74) on one count of the offence of driving without due care and attention, contrary to section 8 of the Motor Vehicles and Road Traffic Law, 1972 (Law No. 86/72) and was sentenced by Artemides, D.J. to pay £10.- fine with £1.- costs. 10 15

*A. Soupashis*, for the appellant.

*S. Nicolaidis*, Senior Counsel of the Republic, for the Respondent.

The judgment of the Court was delivered by:- 20

TRIANTAFYLLIDES, P.: The appellant was convicted on a charge of driving a motor vehicle without due care and attention contrary to section 8 of the Motor Vehicles and Road Traffic Law, 1972 (Law 86/72). He was, also, charged with failing to stop at traffic lights, but on that count he was acquitted. 25

The case was brought to Court as a result of a collision of a car driven by the appellant with another car, at a junction controlled by traffic lights.

At the trial there were put forward conflicting versions concerning the exact state of the lights at the time when the appellant entered the junction; but the trial Judge found that he was not prepared to reject without doubt the appellant's version that the lights were, at that time, green in his favour, and that, therefore, they were red on the side of the other driver with whose vehicle the appellant collided in the junction. 30 35

So, the Judge acquitted the appellant on the count charging him with failure to stop at the traffic lights; but, he proceeded to convict the appellant on the count charging him with careless

5 driving, on the ground that the appellant did not slow down at the traffic lights when entering the junction, but kept on driving at the same speed, not below 30 m.p.h.; the Judge stressed that there were no signs of the appellant having applied his brakes or having taken any other precaution.

10 Whether or not somebody who enters a junction with the traffic lights in his favour can be found to be guilty of negligence, if he collides with a car entering the junction against the lights, is a possibility to be examined on the basis of the particular  
15 circumstances of each individual case (see, *inter alia*, Wilkinson's Road Traffic Offences, 7th ed. pp. 246–248, and *Radburn v. Kemp*, [1971] 3 All E.R. 249); it is, for example, possible, in special circumstances, for somebody who passed a controlled  
20 junction with the traffic lights in his favour to be found negligent for not having kept a proper lookout due to having failed completely to take into account the possibility of a car entering the junction against the statutory requirement to stop at a red traffic light; but merely on the strength of what the Judge stated, as above, in the present case, and which to a very large extent  
25 are the product of speculation based on the resultant position of the appellant's car, it was not at all safe, in our view, to hold that the charge of driving without due care and attention was proved with the certainty required in a criminal case.

We, therefore, have decided to allow this Appeal and set aside the appellant's conviction.

*Appeal allowed.*