

1981 September 2

[TRIANTAFYLLIDES, P., MALACHTOS, SAVVIDES, JJ.]

ANDREAS EVGENIOU,

Appellant,

v.

THE POLICE,

Respondents.

(*Criminal Appeal No. 4238*).

5 *Criminal Law—Sentence—Attempting to depart from the Republic by sea, without a passage ticket and without the permission of the Minister of Interior—Concurrent sentences of two months' and six months' imprisonment—Appellant's young age and two similar previous convictions—Sentence not excessive in view of the seriousness of the offence and object of the relevant legislative provisions—Not made to run from date of dismissal of appeal in view of very young age of appellant and because he made the appeal without legal assistance.*

10 *Criminal Procedure—Appeals against sentence—Groundless appeals—Whether to be discouraged by ordering that the sentence should run as from the date of dismissal of the appeal—Section 147(1) of the Criminal Procedure Law, Cap. 155 (as amended by Law 12/75).*

15 This was an appeal against the concurrent sentences of two and six months' imprisonment which have been imposed on the appellant for the offence of attempting to depart from the Republic by sea, without possessing a passage ticket and for the offence of attempting to depart from the Republic without the permission of the Minister of Interior. The appellant was eighteen years old and he had two previous convictions for similar offences.

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25 *Held*, that the offences in question are, indeed, serious, in view of the object of the relevant legislative provisions especially when such object is looked at against the background of the anomalous situation prevailing at present in this Country;

that, therefore, the appeal must be dismissed but in view of the young age of the appellant and as he has made this appeal without legal assistance no order that the sentence should run from to-day will be made.

Appeal dismissed. 5

Appeal against sentence.

Appeal against sentence by Andreas Evgeniou who was convicted on the 25th June, 1981 at the District Court of Limassol (Criminal Case No. 9738/81) on one count of the offence of attempting to depart from the Republic by sea without possessing a passage ticket, contrary to sections 3 and 5 of the Departure from the Republic (Regulation) Law, Cap. 107 and on one count of the offence of attempting to depart from the Republic without the permission of the Minister of Interior, contrary to section 3 of the Citizens of the Republic (Temporary Provisions on Exit) Law, 1974 (Law 49/74) and was sentenced by Eleftheriou, D.J. to two months and six months' imprisonment respectively, the terms of imprisonment to run concurrently. 10 15

Appellant appeared in person. 20

A. Vladimirov, for the respondents.

TRIANAFYLLIDES P. gave the following judgment of the Court. The appellant pleaded guilty to the offence of attempting to depart from the Republic by sea, for the purpose of proceeding to Greece, without possessing a passage ticket, contrary to sections 3 and 5 of the Departure from the Republic (Regulation) Law, Cap. 107, and, also, to the offence of attempting to depart from the Republic without the permission of the Minister of Interior, contrary to section 3 of the Citizens of the Republic (Temporary Restrictions on Exit) Law, 1974 (Law 49/74). 25 30

He was sentenced, respectively, to periods of two months, and six months' imprisonment, both terms to run concurrently.

While being in prison he appealed, without the benefit of the assistance of counsel; and today he appears in person and has not requested to be afforded legal assistance. 35

He has contended that the sentences which have been passed upon him are manifestly excessive.

He is eighteen years old but, unfortunately, he has two pre-

vious convictions for offences of exactly the same kind in respect of which he was sent to prison for three months.

5 We agree with the learned trial Judge that the offences in question are, indeed, serious, in view of the object of the relevant legislative provisions which the appellant has infringed in committing such offences and, especially, when such object is looked at against the background of the at present prevailing in our country anomalous situation.

We have, therefore, no difficulty in dismissing this appeal.

10 What we have had to consider with some anxiety was whether this was a proper case in which to demonstrate that groundless appeals are to be discouraged by ordering under section 147(1) of the Criminal Procedure Law, Cap. 155, as amended by the Criminal Procedure (Amendment) (No. 2) Law, 1975 (Law
15 12/75), that the sentences imposed on the appellant should run as from today. In the end, we have agreed that we should not do so in the present instance, in view of his very young age and as he has made this appeal without legal assistance.

Appeal dismissed.