

1982 February 10

[L. LOIZOU, STYLIANIDES AND PIKIS, JJ.]

ANTONIS LIMISTIRAS,

*Appellant.*

v.

THE POLICE.

*Respondents.*

(*Criminal Appeal No. 4287*).

*Criminal Law—Sentence—Burglary and theft—Seven months' imprisonment—Sentence far from being manifestly excessive, not even severe in view of the nature and seriousness of the offence—  
—Appeal dismissed.*

The appellant pleaded guilty to the offence of burglary and theft of jewellery worth about £3,000 and was sentenced to seven months' imprisonment. At his trial on his application and with the consent of the prosecution three other offences of stealing were taken into consideration in passing sentence. The appellant had no similar previous convictions and he was married with a child seven months old.

*Upon appeal against sentence:*

*Held*, that the sentence far from being manifestly excessive is not even severe having regard to the nature and seriousness of the offences committed; that there was nothing wrong either with the approach of the trial Judge or with the principles adopted and applied by him in passing sentence and this is not a case in which this Court could interfere for any reason; accordingly the appeal must fail.

*Appeal dismissed.*

**Appeal against sentence.**

Appeal against sentence by Antonis Limistiras who was convicted on the 5th December, 1981 at the District Court of Larnaca (Criminal Case No. 6419/81) on one count of the offence of burglary and theft contrary to section 292(a) of the Criminal

Code, Cap. 154 and was sentenced by Costantinides, D.J. to seven months' imprisonment.

Appellant appeared in person.

*M. Photiou*, for the respondents.

5 L. LOIZOU J. gave the following judgment of the Court. This is an appeal against a sentence of seven months imprisonment imposed on the appellant by the District Court of Larnaca after he had pleaded guilty to a charge of burglary and theft contrary to section 292(a) of the Criminal Code, Cap. 154.

10 The offence was committed between the 15th and 20th August, 1981. The complainant was living in a groundfloor flat in a block of flats situated in Artemis Avenue at Larnaca. The appellant happened to be passing outside the said block one night at about midnight and he noticed that the shutters of a  
15 window of one of the rooms were half open. He managed to open the closed pane window and through that he gained access to the flat. He searched the flat and in a wardrobe he found a great number of items of jewellery worth some £3,000.- which he stole. He hid the stolen property on the roof  
20 of a block of flats where he was living.

The complainant noticed the theft on the 15th August but did not report the matter to the police until the 22nd because she suspected that the theft might have been committed by a person close to her. What led to the arrest of the appellant  
25 was information given to the police by a jeweller to whom he offered to sell the stolen property. He was arrested on the 22nd September and he eventually confessed having committed the offence and delivered to the police the part of the stolen property which was still in his possession. Eventually almost  
30 all the stolen property was recovered by the police except for certain items which he had sold in the meantime for £140.-

In passing sentence the learned trial Judge, at the request of the appellant and with the consent of the prosecution, took into consideration three other cases pending against him and  
35 for which he was charged and pleaded guilty. All offences were committed during the months of August and September 1981. In two of the cases taken into consideration the appellant was charged with the theft of a watch and a camera valued

at £70.- and £40.- respectively and in the third with the offence of stealing from a dwelling house various items of jewellery valued at some £2,000.- Of these last offences the watch and the camera had been recovered and also some £1,050.- worth of the stolen items of jewellery.

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The notice of appeal, which the appellant filed himself from the Central Prisons, contains one ground; that the sentence is excessive. In support of his case he told the Court that he is married with a child seven months old, that he has no similar previous convictions and he prayed for leniency.

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After reviewing the facts as disclosed by the record we are clearly of the opinion that the sentence far from being manifestly excessive is not even severe having regard to the nature and seriousness of the offences committed. The learned trial Judge in his careful and detailed judgment carefully considered all aspects of the case including a medical and a social investigation report which were before him.

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Having considered the appeal we find nothing wrong either with the approach of the Judge or the principles adopted and applied by him in passing sentence and we do not think that this is a case in which this Court could interfere for any reason.

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In the result the appeal is dismissed.

*Appeal dismissed.*