

1982 October 14

[A. LOIZOU, MALACHTOS, SAVVIDES, JJ.]

PHILIPPOS TASSOU DROUSHIOTIS,

*Appellant.*

v.

THE POLICE,

*Respondents.*

(*Criminal Appeal No. 4347*).

*Criminal Law—Sentence—Shop-breaking and stealing—Five other similar offences taken into consideration in passing sentence—Appellant had a number of previous convictions including a similar one—Sentence of 18 months’ imprisonment—Not manifestly excessive—Upheld.*

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The appellant pleaded guilty to a charge of shop-breaking and stealing various articles to the value of £81,800. At his trial five other similar offences were taken into consideration in passing sentence with his consent. The appellant had a number of previous convictions including offences of shop-breaking and stealing for which he was sent to prison and from which he was released on the 18th October, 1980.

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*Upon appeal against sentence.*

*Held*, that the sentence imposed by the learned trial Judge is not in any way manifestly excessive and in no way an interference with it by this Court on appeal is justified; accordingly it must be dismissed.

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*Appeal dismissed.*

**Appeal against sentence.**

Appeal against sentence by Philippos Tassou Droushiotis who was convicted on the 6th August, 1982 at the District Court of Nicosia (Criminal Case No. 11966/82) on one count of the offence of shop-breaking and stealing contrary to sections 291, 294(a), 255 and 20 of the Criminal Code Cap. 154 and was

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sentenced by S. Nicolaides, D.J. to eighteen months' imprisonment.

Appellant appeared in person.

*Gl. HadjiPetros*, for the respondents.

5 A. LOIZOU J. gave the following judgment of the Court. The  
 appellant was found guilty on his own plea of a charge of shop-  
 breaking and stealing, contrary to sections 291, 294(a), 255 and  
 20 of the Criminal Code, Cap. 154. He was sentenced to 18  
 10 months' imprisonment after a number of other outstanding  
 offences were, with his consent and that of the prosecution,  
 taken into consideration by the Court. By this appeal filed by  
 him in person, he claims that the said sentence is manifestly  
 excessive.

15 The facts of the case are these: On the 18th June, 1982, it  
 was reported by the complainant that between the 17th and 18th  
 June, her shop situated in Strovolos Avenue was broken into  
 and five Adidas vests and two pairs of athletic shoes to the value  
 of C£81.800 mils were stolen.

20 On the 22nd June the appellant was questioned by the Police  
 but denied any involvement in the matter. On the following  
 day he made a statement to the Police in which he admitted  
 having committed the offence and led the Police to a place on  
 the seashore of Larnaca where they found one of the vests and  
 one pair of athletic shoes.

25 The five other offences taken into consideration by the Court  
 were committed the same night and they are the following:-

30 Breaking and entering into the shop of Trokkoudis in Stro-  
 volos with intent to commit an offence therein, when he caused  
 C£40.- damage to its entrance. Breaking and entering into the  
 shop of Costas Kakofengitis of Strovolos and stealing there-  
 from C£100.- in cash. Breaking and entering into the shop of  
 Varoshiotis, at Strovolos, and stealing therefrom the sum of  
 C£21.- in cash. Breaking and entering into the shop of Kras-  
 pango Company with the intention to commit an offence,  
 35 i.e. stealing. And also on the 20th March, 1982, stealing  
 from the person in Stassinos Avenue in Nicosia.

The appellant has also a number of previous convictions,

including offences of shop-breaking and stealing for which he was sent to prison, and from which he was released on the 18th October, 1980.

A Social Investigation Report was prepared and produced at the trial in which a detailed account of the family background and the personal circumstances of the appellant are given. The appellant has invoked his personal circumstances and the condition of his family as a mitigating factor and as a ground upon which this Court could arrive at the conclusion that the sentence imposed upon him was manifestly excessive.

Having considered the facts and circumstances of the case, we have come to the conclusion that the sentence imposed by the learned trial Judge is not in any way manifestly excessive and in no way an interference with it by this Court on appeal is justified. The appeal, therefore, is dismissed.

*Appeal dismissed.*