



8 and 19(1)(4) of the Motor Vehicles and Road Traffic Law, 1972 (Law 86/72) and was sentenced by Eliades, Ag. D. J. to pay a fine of £10.

*P. HadjiDemetriou*, for the appellant.

*A. Evangelou*, Senior Counsel of the Republic, for the respondents. 5

LORIS J. gave the following judgment of the Court. A collision occurred between two vehicles, that of accused 1 and 2, on the Larnaca—Kophinou road at approximately the middle of the road. 10

The trial Judge relying on the evidence of the only eye-witness before him discharged accused 1, at the close of the case for the prosecution, and called upon accused 2 on his defence.

Accused 2—the appellant before us—adopted his statement to the Police in an unsworn statement from the dock. At the end of the day the Judge found the appellant guilty, mainly resting his findings on the evidence of P.W.3. He attached no weight to the version of the appellant set out in his statement to the police in view, inter alia, of his failure to give evidence on oath. 15 20

Although the Judge went a bit too far in commenting upon the implications of such failure, his observations do not go beyond the area of comment. Therefore, he cannot be faulted for deriving any inference of guilt from such failure, something impermissible. 25

Having given due consideration to the arguments raised on appeal, we find ourselves unpersuaded that we should interfere with the deliberations of the trial Judge. Given his findings, it was perfectly open to him to arrive at the conclusions he did. 30

In the result the appeal is dismissed.

*Appeal dismissed.*