

FISHER,  
C.J.  
&  
STUART,  
P.J.  
1923  
March 1

[FISHER, C.J. AND STUART, P.J.]

POLICE

v.

CHRISTODOULOS A. GALATOPOULOS.

ORGANIZING PROCESSION—LAW 24 OF 1921—THREATENING—INCITING TO COMMIT AN OFFENCE PUNISHABLE WITH MORE THAN TWELVE MONTHS IMPRISONMENT—CRIMINAL LAW OF 1914 SEC. 16.

APPEAL by accused from the conviction and sentence passed on him by a Magisterial Court.

For Appellant *Stavrinakis* and *Malamatenios*.

For Police the *Assistant King's Advocate*.

*Judgment* : The first charge upon which the appellant was convicted was of organizing a procession in a public street contrary to the provisions of Sec. 2 (1) of the Public Processions Law, 1921. It was urged that there was no procession within the meaning of the Law, which it was contended only applies to political processions. There is nothing in the Law to support that contention, on the contrary the fact that sub-section (2) of sec. 2 exempts funeral, circumcision, and marriage processions would seem to indicate that all organized processions are included, the object and character of the procession being important to be considered when sec. 4, which deals with the penalty to be inflicted, which ranges from the smallest fine to three months hard labour and £50 fine, comes to be considered.

In this particular case the evidence shows that the appellant got the men, thirty or upwards together, marshalled them under his orders, and marched them through the street at an unreasonable hour to the bishop's residence. That he knew there might be trouble, as in the result there was, is shown by the fact that he caused word to be sent to the Police to be present. The result was that one of the things that the Public Processions Law, 1921, aims at preventing, namely disturbance on a considerable scale took place. Therefore in our opinion there was clearly a procession within the meaning of the law, and the conviction thereon is upheld.

As regards the second charge, under sec. 16 of the Criminal Law, 1914, of inciting to commit an offence punishable with imprisonment exceeding one year, it is clear that the utmost offence which it could be alleged the appellant incited the people to commit was that of an ordinary assault under Art. 179 of the Ottoman Penal Code, and that this was what was in the mind of the prosecution is clear from the fact that that Art. was originally in the charge. That offence being punishable only with one year's imprisonment precludes it being within the incitement covered by sec. 16, nor does the subsequent amendment of the charge help the matter. That conviction therefore must be quashed.