

NETTLETON,
C.J.
&
GRIMSHAW,
P.J.
1924

December 29

[NETTLETON, C.J. AND GRIMSHAW, P.J.]

POLICE

v.

HARIS PANAYI BOYAJI.

ACCUSED CROSS-EXAMINATION—CHARACTER—C.C.J.O., 1882, CLAUSE 124.

The accused on trial for assault made a statement before a Magisterial Court and on his cross-examination by a Police officer for the prosecution was asked "were you not charged with assaulting a fellow-villager?"

Accused was subsequently found guilty of the assault and convicted and sentenced to one month's imprisonment.

From this conviction accused appeals.

For Appellant *Zannettides*.

For Police the *Assistant King's Advocate*.

Judgment: The only power to cross-examine an accused person is conferred by clause 124 of the Cyprus Courts of Justice Order, 1882. If the procedure under this clause is followed, it must be followed strictly. Here clause 124 must have been followed, and the Magistrate must have made use of the power conferred by clause 80 of the Cyprus Courts of Justice Order, 1886, and allowed cross-examination of the accused, in which questions affecting his character were put contrary to the express provision of clause 124.

The appeal is allowed and conviction and sentence quashed.

NETTLETON,
C.J.
&
GRIMSHAW,
P.J.
1925

January 8

[NETTLETON, C.J. AND GRIMSHAW, P.J.]

THE SYNDICS IN THE BANKRUPTCY OF
CHRISTOFOROS G. DEMETRIADES

v.

ANNETTA HAJI TOFI LOUSIOU.

CUSTOMS, EXCISE AND REVENUE LAW, 1923, SEC. 20 (1)—INSUFFICIENTLY STAMPED DOCUMENT.

The District Court refused to allow a claim based on an insufficiently stamped document. Further the District Court, having marked the document before it was noticed that it was insufficiently stamped, ordered the plaintiffs to pay the proportionate fine in respect to the understamping, and refused to permit the plaintiffs to withdraw the document.

From this order the plaintiffs appeal.

For Appellant *Christis*.

Respondent absent.

Judgment: The District Court was *ultra vires* in refusing to allow plaintiffs to withdraw the insufficiently stamped document and to fix a date for them to prove their claim. The judgment of the District Court is varied to the extent that the document must be returned to the plaintiffs.