

“ the legal proprietor on his demand as a result of his (agent) concealing or losing it, and that an illicit possession (ownership) over it has been proved; or (b) is not capable of being returned owing to its having been consumed or transferred to another person.”

NETTLETON,  
C.J.  
&  
DICKINSON,  
ACTING P.J.

In the present case there is abundant evidence on the record to show that a large proportion of this money entrusted and paid into the hands of the appellant as agent of the complainants is not capable of being returned to them owing to his having spent or consumed it; also that he failed to restore the money on the demand of his principals and forbore to disclose what had happened to it.

REX  
v.  
IOANNIS  
F. MODINO

[DICKINSON, ACTING C.J. AND VERGETTE, ACTING P.J.]

POLICE  
v.  
SOTIRI PAVLOU.

DICKINSON,  
ACTING C.J.  
&  
VERGETTE,  
ACTING P.J.  
1925

June 18

*The Police made a note in the statement taken from accused when he was charged with an offence that his character was bad. This statement was put in evidence before a Magisterial Court. Accused was found guilty of being in possession of two hens reasonably suspected of being stolen property and sentenced to one month's imprisonment.*

From this conviction he appealed.

For Appellant *Mylonas*.

For Police the *Assistant Attorney-General*.

*Mylonas* : The note about accused's character on the statement is improper and the conviction must be quashed.

*Assistant Attorney-General* : I admit this is fatal.

*Judgment* : Appeal is allowed and the conviction and sentence are set aside and accused is discharged.