

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

DICKIN-  
SON,  
ACTING C.J.  
&  
VERGETTE,  
ACTING P.J.  
1925

POLICE

v.

YANGOS G. DEMIRDJI.

June 30

PREVIOUS TRIAL AND CONVICTION SET ASIDE FOR WANT OF JURISDICTION NO BAR  
TO FURTHER PROCEEDINGS.

*Accused was brought before a Magisterial Court charged with several offences, one of which was for assaulting the Police in the execution of their duty. He consented to be tried summarily and was convicted of some of the lesser offences and sentenced. He appealed from that conviction and sentence, and the Supreme Court quashed the conviction for want of jurisdiction and discharged the accused. The Police now prefer a new set of charges on the same matters.*

*Resjudicata was pleaded, and although the Magistrate himself was satisfied he matter was not resjudicata, he stated a case for the Supreme Court, asking if the former proceedings amounted to resjudicata.*

For Police the *Assistant Attorney-General*.

For Accused *Triantafyllides*.

*Judgment*: From the notes of the Chief Justice in the former proceedings we see the Supreme Court then ruled that as the proceedings before the Magisterial Court were a nullity they formed no bar to an institution of fresh proceedings for the same offences.

We therefore reply to the question raised—the original proceedings do not amount to resjudicata and form no bar to fresh proceedings for the same offences.