

[DICKINSON, ACTING C.J. AND LUCIE-SMITH, ACTING P.J.]

IN THE MATTER OF THE PETITION OF MICHAEL CONSTANTI

AND

IN THE MATTER OF THE MALICIOUS INJURY TO PROPERTY LAW,

1923

AND

IN THE MATTER OF THE TAX-PAYING INHABITANTS OF OMODHOS.

MALICIOUS INJURY TO PROPERTY LAW, 1923, SECTION 3—"AS SOON AS POSSIBLE."

*Petitioner left Omodhos with his two mules for Limassol on 24th July, 1924. The animals were then apparently in good health. On arrival in Limassol the animals were found to be off their feed and after a nine or ten miles journey the next day died at the village of Kividhes on the morning of the 26th. The petitioner though under the impression that the animals had been poisoned at Limassol gave notice to the village commission of Kividhes and the Police.*

*On the 30th July, the Government Analyst, having examined the viscera of the animals, certified that they had died of arsenical poison: and this expert stated that according to the symptoms they could not have been poisoned at Limassol and that such poison must have been administered before their arrival there.*

*From this evidence the only place at which such poison could have been administered was Omodhos. This information was given to petitioner not earlier than the 31st July: and on or about the 1st August he gave notice to the village commission of Omodhos in accordance with section 3 of the Law.*

*Clerides and Indianos for Appellant (Petitioner).*

*Theodotou for Respondents (tax-paying inhabitants).*

HELD: That such notice was good and that in interpreting the words "as soon as possible" the Court must take into consideration all the facts of the particular case.

*Cf. Rex v. Anikitos Loizou.*

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POLICE

v.

YACOUMI NICOLA.

FAILURE OF ACCUSED TO ATTEND ON SUMMONS—OTTOMAN PENAL CODE, ART. 116—  
CYPROS COURTS OF JUSTICE ORDER, CLAUSE 67 AND 70—ACCUSED NOT BOUND TO  
UNLESS ORDERED BY MAGISTRATE—DISCRETION OF MAGISTRATE.

*Emilianides for Applicant.*

*Solicitor-General for Police.*

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&  
LUCIE-  
SMITH,  
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POLICE  
v.  
YACOUMI  
NICOLA

This was an application for revision of a conviction and sentence of the Magisterial Court of Nicosia under section 46 of Law 1 of 1886. The applicant was originally charged before the Magisterial Court with an offence under Law 2 of 1879, section 64 (1). It appears that the applicant made an admission of guilt to the Police. On the case being called before the Magistrate, the applicant failed to appear and the police, without proving service, asked for an adjournment which was refused, and the case was dismissed. The Police then took out a summons against the applicant under Art. 116 of the Ottoman Penal Code to which summons applicant appeared and pleaded guilty and was fined £1 or ten days imprisonment. The applicant applied for inquiry.

HELD: That clauses 67 and 70 of the Cyprus Courts of Justice Order in Council, 1882, lay down the procedure to be adopted in the event of an accused person failing to attend on a summons, and that these clauses override Art. 116 of the Ottoman Penal Code. (*Vide* Reshad's Commentary on Art. 116, of the Ottoman Penal Code.)

Court commented on the practice of the Police in endorsing the word "admits" on a summons produced to the Court, and suggested that such practice should be discontinued.

*Application granted and conviction set aside.*

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[DICKINSON, ACTING C.J. AND LUCIE-SMITH, ACTING P.J.]

FOREST DEPARTMENT

v.

YANNI LOIZO.

LAW 22 OF 1879, SECTION 6 AND SECTION 28—LAW 8 OF 1881, SECTION 11—  
PROCEDURE ON PLEA OF NOT GUILTY—CYPRUS COURTS OF JUSTICE ORDER,  
CLAUSE 76.

*S. Pavlides* for Appellant.

*Solicitor-General* for the Crown.

Appellant was charged with an offence under section 6 (h) of Law 22 of 1879, submitted to jurisdiction, and pleaded not guilty, which plea was recorded. Appellant's advocate then admitted the facts and stated that the locality where the alleged trespass occurred was not included in the permit held by the accused. The prosecution admitted that the accused did in fact hold such a permit. On these admissions Court without hearing any evidence for the prosecution called on accused to prove that he had a special agreement with the Principal Forest Officer.