

# CASES

DECIDED BY

## THE PRIVY COUNCIL, THE SUPREME COURT OF CYPRUS AND BY THE ASSIZE COURTS.

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(FAMAGUSTA ASSIZES.)

(DICKINSON, ACTING C.J., LUCIE-SMITH, ACTING P.J.,  
COX, P.D.C., HOULOSSI AND MAVROMATIS, JJ.)

· REX

v.

THEORI HAJI LOIZO MANOLI.

ASSIZE  
COURT  
OF  
FAMA-  
GUSTA,  
1927.

April 26.

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MURDER—ADMISSIBILITY OF PARTICULARS OF COMPLAINT—LAW  
1 OF 1886, SECTION 29—STATEMENT MADE IMMEDIATELY  
AFTER OFFENCE—STATEMENT MADE TO WHOM IT WAS NATURAL  
TO MAKE SAME—DYING DECLARATION.

*Acting Solicitor-General for the Crown.*

*Paschalis, Clerides and Loizo for the Accused.*

Accused was charged with killing with premeditation. Immediately after being stabbed the murdered man, a Christian, ran down from a field to the main road where he met four Turkish school boys to whom he made the statement: "Vre Turks, please tell Milti Ombashi and my mother-in-law and my wife that Manoli stabbed me with this knife." This complaint was tendered in evidence by the Crown and admitted under section 29 of Law 1 of 1886, as being a statement made, having regard to the circumstances of the case, immediately after the commission of the offence, and to the first person or persons to whom the person making the complaint or statement spoke after the commission of the offence.

ASSIZE  
COURT  
OF  
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—  
REX  
D.  
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MANOLI.  
—

The Turkish boys proceeded on their way to the village, and deceased went in the opposite direction in search of a doctor. Some time later deceased was found by a carter unconscious in a field. The carter put the deceased in his cart and proceeded in search of a doctor and the Police. On the way deceased regained consciousness and made a (second) complaint to the carter. This statement was tendered in evidence but the Court refused to admit it as not having been made immediately after the commission of the offence, and as not having been made to the first person or one of a group of first persons to whom complainant spoke after the commission of the offence, following *Rex v. Kyriako Varnava Haji Pieri*.

Deceased eventually reached a policeman to whom he made a further complaint, which was tendered by the Crown and rejected on the ground that the Crown, having already put in evidence the statement made to the first person or persons met immediately after the commission of the offence, could not also adduce evidence of a complaint subsequently made to a person or persons to whom the Court considered it natural to complain. *Rex v. Kyriako Varnava Haji Pieri*, approved and followed.

While making this statement to the Police, deceased died, and it was then sought to put in such statement as a dying declaration.

Medical evidence as to the nature of the wound was given and Court was asked to infer from its nature that there was a settled and hopeless expectation of imminent death on the part of the deceased.

HELD: Following *Rex v. Kyriako Varnava Haji Pieri (supra)* that the Court was entitled to infer such settled and hopeless expectation of death from the nature of a wound alone, but that in this particular case the Court was not satisfied from the evidence that they would be justified in so inferring.

*Rex v. Kalli Haji Sterko*, VIII. C.L.R., p. 96, overruled.

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