

[DICKINSON, ACTING C.J., SERTSIOS, J., FUAD, J.]

POLICE

v.

DIMITRI HAJI KYRIACO.

CRIMINAL PROCEDURE—LAW 1 OF 1886, SECTION 29, PARAGRAPH 1
—INVESTIGATION—MAGISTERIAL COURT JURISDICTION—“FIRST
COMPLAINT.”

DICKIN-
SON,
ACTING
C.J.,
SERTSIOS,
J.,
FUAD,
J.
1928.
July 17.

Appeal of accused from conviction by a Magisterial Court.

Theocharides for appellant (accused).

Paulides, Acting Solicitor-General, for Police.

The facts are as follows:—

Accused was charged before a Magisterial Court with the offence of assaulting. The complainant met a mukhtar and made a first complaint to him. Evidence of this first complaint was heard, although defending counsel objected that Section 29 paragraph 1, did not authorise a Magisterial Court to hear such evidence when trying a criminal charge summarily.

Apart from the evidence of this complaint there was no sufficient corroboration of complainant's evidence to convict the accused.

Held by majority (Sertsios, J., dissenting) that Law 1 of 1886, Section 29, paragraph 1, does not authorise a Magisterial Court to hear evidence of a first complaint except when taking depositions for the purpose of committing an accused person to the Assize Court.

Appeal allowed; conviction quashed.
