

[BELCHER, C.J., LUCIE-SMITH, J., FUAD, J.]

POLICE

v.

YORGHO KALLA YANNACOU.

CRIMINAL PROCEDURE—NOTICE OF APPEAL—CYPRUS COURTS OF JUSTICE ORDER, 1927, CLAUSE 101—IMMEDIATE NOTICE OF DESIRE TO APPEAL DECLARED BY DEFENDING ADVOCATE.

Appeal of accused from conviction by a Magisterial Court.
Pavrides, Crown Counsel, for Police.

Appellant in person.

PAVLIDES: I submit that the notice of desire to appeal was declared by the advocate for the accused, and not by accused himself as required by Clause 101 of the Cyprus Courts of Justice Order, 1927.

BY THE COURT: The desire to appeal under Clause 101 of the Cyprus Courts of Justice Order, 1927, may be initiated either by accused himself personally or by his advocate.

BELCHER,
C.J.,
LUCIE-
SMITH,
J.,
FUAD, J.
1927.

Dec. 12.

[BELCHER, C.J., LUCIE-SMITH, J., FUAD, J.]

POLICE

v.

CHRYSANTHO YORGHI ZAVOZINICHO.

CRIMINAL PROCEDURE—JURISDICTION—EFFECT OF CYPRUS COURTS OF JUSTICE ORDER, 1927—LAW 1 OF 1886 S. 16 (2) IMPLIEDLY REPEALED.

Appeal of accused from conviction of a Magisterial Court.
Clerides for appellant.

Paschalis (Solicitor-General) for Police.

The accused was charged before a full Magisterial Court on four charges: (1) theft of £14; (2) receiving same; (3) and (4) illegal possession.

CLERIDES: The Magisterial Court had no jurisdiction to try a case of receiving. Law 1 of 1886, Section 16 (2) only authorises a Criminal District Court to try such an offence.

Judgment: The appeal must be allowed. Section 16 (2) of the Criminal Procedure Law only authorises a District Court to deal with offences described therein.

The new Order in Council does not recognise the existence of Criminal District Courts, and therefore Section 16 (2) of Law 1 of 1886 is impliedly repealed.

Appeal allowed; conviction quashed.

BELCHER,
C.J.,
LUCIE-
SMITH,
J.,
FUAD, J.
1927.

Dec. 16.