

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

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

POLICE

v.

YANNI G. KOUTSOUDIS.

Dec. 19

CRIMINAL PROCEDURE—JURISDICTION OF MAGISTERIAL COURT TO EFFECT AMENDMENT OF CRIMINAL CHARGE—CYPRUS COURTS OF JUSTICE ORDER, 1927, CL. 94, 98, 108.

Case stated by Magisterial Court.

Haji Pavlo for the accused.

Paulides, Crown Counsel, for Police.

The facts are as follows: Accused was charged with an attempt to set fire to a shop in Nicosia. The charge was correctly set out, but the number of the article of the Ottoman Penal Code was incorrectly given as 164 instead of 163. The Magisterial Court effected an amendment and convicted the accused, and after conviction they stated a case for the opinion of the Supreme Court.

The question being whether the Magisterial Court had the authority to make this amendment.

BY THE COURT: The Magisterial Court had such power under the C.C.J.O., 1927.

Question answered in affirmative.

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

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

REX

v.

JOSEPH STYLIANOU.

Nov. 17.

CRIMINAL PROCEDURE—RES JUDICATA—AUTREFOIS ACQUIT—LAW 1 OF 1886, SECTION 39—PROVISIONS OF CRIMINAL APPEAL ACT, 1907—GUIDING MARKS FOR SUPREME COURT—APPEAL NEED NOT BE ALLOWED IF NO SUBSTANTIAL MISCARRIAGE OF JUSTICE—ADDENDUM TO ARTICLE 200, OTTOMAN PENAL CODE.

Appeal by accused from conviction by a Criminal District Court.

Triantafyllides and *Haji Petrou* for appellant.

Chrysafinis, Junior, for Crown.

The facts are sufficiently disclosed in the judgment of the Court delivered by the Chief Justice.