

On hearing what was alleged by the said parties this Court doth declare that the Plaintiff is entitled to (the land mentioned in the writ) and to hold the same free from interference save so much of the said land which lies within a space of land comprised within the present Eastern (or Agia Marina) side of the existing public way and a line drawn parallel to it at a distance of  $3\frac{1}{2}$  feet therefrom and this Court doth further declare that the Plaintiff is entitled to be paid by the Government half the costs of the action in the District Court.

*No costs of appeal.*

HUTCHIN-  
SON, C.J.  
&  
TYSER, J.

HAJI  
MUSTAFA  
EFFENDI  
HAJI AHMED  
EFFENDI

v.  
REES-DAVIES  
AS KING'S  
ADVOCATE

[HUTCHINSON, C.J. AND TYSER, J.]

POLICE,

Plaintiff,

v.

PROCOPI HAJI YOSSIFI,

Defendant.

HUTCHIN-  
SON, C.J.  
&  
TYSER, J.  
1906

March 15

CRIMINAL CODE, ART. 260—FINE AND IMPRISONMENT.

*Under Art. 260 of the Criminal Code the Court may inflict a fine or imprisonment or both.*

Appeal from the decision of the Nicosia Magisterial Court.

The Appellant was convicted of making a disturbance under Art. 260 of the Criminal Code.

It was his first offence and he had a good character and the Court sentenced him to three days imprisonment and a fine expressing its opinion that that was the lowest punishment it could inflict.

*Pascal* for the Appellant.

*Judgment:* Art. 260 of the Criminal Code means that persons who commit the offence described by that article are punished by fine and they are also punished by imprisonment. It does not mean that both punishments must necessarily be inflicted but that the person convicted may be sentenced to fine or imprisonment or both. A comparison of Art. 260 with Arts. 255 and 258 makes it clear that the legislator in this case did not intend that both punishments should necessarily be inflicted.

*Imprisonment remitted and in all other respects conviction and sentence affirmed.*