

The Plaintiffs are to have the costs of all the issues of which they have succeeded.

The Judgment declared, that there was a coalition of the Respondents, that the Respondents were by their agents guilty of corrupt practices, to wit, bribery and treating, and that there was general treating.

*Election declared null and void.*

TYSER, C.J.

PASCAL  
CONSTANTINIDES AND  
OTHERS  
AND  
KYRILLOS  
PAPADOPOULOS AND  
OTHERS

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

REX

v.

NEOCLI ANTONI.

TYSER, C.J.

&  
BERTRAM,  
J.  
1907

May 8

CRIMINAL LAW—CORROBORATION—CYPRUS COURTS OF JUSTICE ORDER, 1882, ART. 196.

*It is not necessary that the corroborative evidence in a criminal trial should actually implicate the accused in the commission of the crime.*

*It is sufficient if it is of such a nature as to satisfy the Court as to the accuracy of the principal witness.*

Appeal of the Defendant from the judgment of the District Court of Paphos.

The charge against the Defendant was that being a person prohibited from possessing or using firearms under the Firearms Law, 1889, he was unlawfully in possession of a gun contrary to provisions of that law.

The principal witness was a woman, Styllou Anastassi, who swore that she saw the Defendant come out of his house carrying two guns, and hand them to an accomplice, who carried them off in a certain direction. Shortly afterwards, on being questioned by a zaptieh, she indicated the direction, accompanied the zaptieh, assisted him to search and herself found one of the guns, hidden among leaves.

The corroborative evidence was that of the zaptieh, who swore that the woman gave him certain information, indicated a direction, proceeded with him thither, searched, and pointed out the gun to him.

The Court convicted the Defendant, who appealed.

No appearance either by the Appellant or Respondent.

TYSER, C.J.: This Court has already decided in *Rex v. Ioannis Haji Nicola* (1902) 6 C.L.R., 5, that it is not necessary that every part of a witness's story should be corroborated.

It is important to note what the section actually says: It says that the evidence of the principal witness must be "corroborated by some other material evidence, which in the opinion of the Court is sufficient to establish the accuracy of the witness."

TYSER, C.J.  
&  
BERTRAM,  
J.  
—  
REX  
v.  
NEOCLI  
ANTONI  
—

In this case the Court was of opinion that the finding of the gun under the circumstances under which it was found and the other evidence for the prosecution were sufficient to establish the accuracy of the witness. I cannot say that there is no "other material evidence," or that the Court could not have formed the opinion that it did.

The appeal must accordingly be dismissed and the judgment of the Court below affirmed.

BERTRAM, J.: It is quite true that the corroborative evidence as to the finding of the gun by the woman and the zaptieh did not of itself necessarily implicate the accused. But the effect of previous decisions of this Court seems to be that the corroborative evidence need not necessarily implicate the accused. See in particulars *Rex v. Mustafa Haji Ahmed* (1902) 6 C.L.R., 5.

The principle of the Article would appear to be that the corroborative evidence must be such as to satisfy the Court that the principal witness is a witness of truth.

In this case the principal witness, who purported to have seen the accused dispose of the gun in a particular manner is shortly afterwards questioned by a zaptieh. She makes a statement. Her statement is immediately tested and the finding of the gun in the place indicated confirms it in a substantial point.

I think that the Court may well have been justified in accepting this evidence as establishing the accuracy of the witness.

*Appeal dismissed.*

TYSER, C.J.  
&  
BERTRAM,  
J.  
1907  
—  
July 12  
—

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

ARISTODEMOS PHOINIEFS,  
v.

*Plaintiff,*

THEOPHANES THEODOTOU,

*Defendant.*

ELECTION LAW—CYPRUS LEGISLATIVE COUNCIL ORDER, 1882, ART. 14—  
DISQUALIFIED PERSON SITTING AND VOTING IN COUNCIL.

*A person unseated on an election petition on the ground of corrupt practices by his agents and subsequently re-elected in pursuance of a fresh writ is not within any of the classes of disqualified persons against whom a penalty can be recovered for sitting and voting as a member of the Legislative Council under Art. 14 of the Cyprus Legislative Council Order, 1882.*

Appeal from the District Court of Nicosia.

On the 11th October, 1906, as the result of an election held on 9th and 10th October, 1906, Kyrillos Papadopoulos, Metropolitan Bishop of Kition, Theophani Theodotou and Antoni Theodotou were returned as elected members of the Legislative Council for the Nicosia-Kyrenia District.

On 5th November, 1906, an election petition was presented against the said return, alleging that it was null and void on the ground of bribery, treating and other corrupt and illegal practices.