

(ASSIZE COURT OF LIMASSOL.)

[BERTRAM, ACTING C.J., HOLMES, ACTING J., STUART, P.D.C.,
 ATTA BEY AND OIKONOMIDES, JJ.]

REX

v.

ANTONI NIKOLA.

ASSIZE
 COURT
 OF
 LIMASSOL
 1908

Sept. 15

CRIMINAL LAW—HOMICIDE RESULTING FROM VIOLENCE—DEATH CAUSED
 BY BLOW—DEVELOPMENT OF DISEASE—"NOVA CAUSA SUPERVENIENS"—
 OTTOMAN PENAL CODE, ARTS. 177 AND 179.

In order to justify a conviction for homicide resulting from a wound or blow under Art. 177 of the Ottoman Penal Code it is necessary that the death should be the direct result of the wound or blow.

Where the death is due to some new cause supervening, unconnected with the wound or blow, the case is not within the article.

The prisoner struck a man on the head and caused a trifling wound. The man went to the hospital to have the wound dressed and there the wound became infected by an epidemic of erysipelas then prevailing at the hospital with the result that death ensued.

HELD: That the case was not within Art. 177.

The prisoner was charged under the addition to Art. 177 of the Ottoman Penal Code with striking a man with the result that death ensued from the blow.

It appeared that in the course of a domestic quarrel the prisoner struck the deceased with a chair on the head and inflicted a slight wound. Erysipelas set in and ultimately proved fatal. The medical evidence showed that the erysipelas was not a direct development of the injury, but that an epidemic of erysipelas had for some unexplained cause occurred at the hospital where the deceased had attended to have the wound dressed, and that the wound had in all probability become infected from this source.

Bucknill, K.A., for the Crown.

Sozos for the defence.

The King's Advocate explained to the Court that in view of the above circumstances he proposed to add a count for unlawful wounding causing incapacity for less than 20 days under Art. 179.

The Court approved, and the prisoner pleaded guilty and having been in prison awaiting trial for six weeks was awarded a nominal punishment.