

ANTONIS IOANNOU CHRISTOFIDES,

Appellant,

v.

THE POLICE,

Respondents.

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ANTONIS
IOANNOU
CHRISTOFIDES
v.
THE POLICE

(*Criminal Appeal No. 2275*)

Criminal Law—Receiving, contrary to section 306 (a) of the Criminal Code, Cap. 154—Allegation of absence of evidence of guilty knowledge on the part of the appellant—Contradictory statements of appellant and his conduct in approaching a prosecution witness to induce him to give false evidence, justified trial Court to reach the conclusion that appellant's explanation as to the absence of guilty knowledge was untrue.

Criminal Procedure—Trial in Criminal Cases—Ingredients of offences—Trial judges should give reasons in their judgments when they record their findings in respect of the ingredients of offences for which an accused is found guilty.

The appellant was convicted of the offence of receiving a camera valued at £20 knowing the same to have been stolen, contrary to section 306 (a) of the Criminal Code, Cap. 154 and was sentenced to two years' imprisonment. He appealed against conviction mainly on the ground that there was no evidence of guilty knowledge, which is an ingredient of the offence of receiving, on the part of the appellant.

Held, (1) it was established before the trial Court that the prisoner was in recent possession of a stolen article and it was open to him to rebut the inference of guilty knowledge by an explanation which, even if it was not believed, might reasonably be true.

(2) The contradictory statements of the appellant, as well as his conduct in approaching a witness for the prosecution and trying to induce him to give false evidence, led the trial Court to the conclusion that the explanation offered by the appellant as to the absence of guilty knowledge was untrue, and the trial Court was justified, therefore, in convicting the appellant of receiving the said stolen property.

(3) We agree, however, with learned counsel for the appellant that adequate reasons should be given by trial Judges in

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their judgments when they record their findings in respect of the ingredients of offences for which an accused person is found guilty.

(4) The appeal should be dismissed and the sentence should run from the date of conviction.

Appeal dismissed. Sentence to run from date of conviction.

Appeal against conviction.

Appeal against conviction by the appellant who was convicted on the 13.5.65, by the District Court of Nicosia, (Criminal Case No. 1750/65) of the offence of receiving, contrary to section 306 (a) of the Criminal Code, Cap. 154, and was sentenced by Georghiou, D.J. to two years' imprisonment.

L. N. Clerides, for the appellant.

A. Frangos, counsel of the Republic, for the respondents.

The judgment of the Court was delivered by :

ZEKIA, P.: In this case the appellant was convicted of receiving between the 1st and 3rd August, 1964, a camera, valued £20, the property of one Christodoulos Papachristoforou of Nicosia, knowing the same to have been stolen.

The main ground of appeal argued before us was that there was no evidence of guilty knowledge on the part of the prisoner, which knowledge is an ingredient in the offence of receiving.

It was established before the Court that the camera involved in the charge was stolen from the bedroom of the complainant between the 1st and 3rd August, 1964, and that some time in August 1964 the same camera was pledged by the prisoner with a coffee-shop keeper called Thomas. So, the prisoner was in recent possession of a stolen article and it was open to him to rebut the inference of guilty knowledge by an explanation which, even if it was not believed, might reasonably be true.

The appellant made a statement to the police on the 11th November, 1964. In that statement he admitted having pledged the camera in question with the said Thomas but he alleged that he had bought it from a certain Israeli for £14. Later before the Court, when he gave evidence,

he stated that he pledged the camera on behalf of another Israeli. On the day of his trial, he approached one of the prosecution witnesses, namely, a certain David Pickard, and requested him to make a false statement before the Court to the effect that this witness had purchased the stolen camera from a third person and after that he sold it to the prisoner and that if he gave such evidence it would help his case.

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The contradictory statements of the appellant, as well as his conduct in approaching a witness for the prosecution and trying to induce him to give false evidence, led the trial Court to the conclusion that the explanation offered by the appellant as to the absence of guilty knowledge was untrue, and the trial Court was justified, therefore, in convicting the appellant of receiving the said stolen property.

We agree, however, with learned counsel for the appellant that adequate reasons should be given by trial Judges in their judgments when they record their findings in respect of the ingredients of offences for which an accused person is found guilty.

In the circumstances, we think that the appeal should be dismissed and the sentence should run from the date of conviction.

*Appeal dismissed. Sentence to
run from date of conviction.*