

COSTAS HJI COSTA, (No. 1),

Appellant,

v.

THE REPUBLIC,

Respondent.

COSTAS
HJI COSTA
(No. 1)
v.
THE REPUBLIC

(Criminal Appeal No. 2780)

Criminal Procedure—Application to recall witness under section 25 (3) of the Courts of Justice Law, 1960 (Law 14 of 1960) must be properly made, in due time and be sufficiently supported.

In the course of the hearing of the above appeal the appellant applied to the Supreme Court for leave to have a prosecution witness recalled for further examination in the exercise of its powers under section 25 (3) of the Courts of Justice Law, 1960 (Law 14 of 1960). The Supreme Court dismissed the application on the ground that it was not properly made, in due course and sufficiently supported.

The cases of : *Kousoulides (No. 1) v. The Republic* 1962 C.L.R. 24, *Pitsillos v. The Police* (Criminal Appeal No. 2457, decided on the 30th March, 1962, unreported), and *Kolias v. Police* (1963) 1 C.L.R. 52, cited with approval.

Application to recall witness under section 25 (3) of the Courts of Justice Law, 1960, refused. Case adjourned to the 18th November, 1965, for judgment.

Cases referred to :

Kousoulides (No. 1) v. Republic 1962 C.L.R. 24 ;

Pitsillos v. Police (Criminal Appeal No. 2457, decided on the 30th March, 1962, unreported) :

Kolias v. Police (1963) 1 C.L.R. 52.

Ruling.

Ruling on an application to recall a witness.

G. Tornaritis, for the appellant.

S. Georghiades, counsel of the Republic, for the respondent.

1965
Oct. 15

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COSTAS
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The following ruling was delivered by :

VASSILIADES, J.: Dealing first with Mr. 'Tornaritis' application to have witness 3 recalled for further examination, under the provisions of section 25 (3) of the Courts of Justice Law, 1960, we have to repeat what has already been pointed out more than once before ; that such an application will only be entertained if properly made, in due course, and if sufficiently supported, as directed in *Kousoulides (No. 1) v. The Republic* 1962 C.L.R. 24 ; in *Pitsillos v. The Police* (Criminal Appeal No. 2457, decided on the 30th March, 1962 unreported) ; *Pericles Ioannou Koliass v. The Police* (1963) 1 C.L.R. 52 and in several other cases decided thereafter, to which we need not now refer. The application to recall witness Ritsa Georghiou (P.W. 3) is therefore, refused.

As regards the merits of the appeal, we are inclined to agree with counsel for the appellant that this is a most serious case for his client, and we would like to have more time to consider our judgment. We wish to avoid reserving judgment sine die in a criminal appeal ; unfortunately, we have no day available before the 18th November. The case will be adjourned to the 18th November, for judgment. The appellant is under his sentence-warrant.

Application to recall witness under section 25 (3) of the Courts of Justice Law, 1960, refused. Case adjourned to the 18th November, 1965, for judgment.