[VASSILIADES, P., TRIANTAFYLLIDES, LOIZOU, JJ.]

ELENI ALEXANDROU,

Appellant,

v.

THE POLICE,

Respondents.

(*Criminal Appeal No.* 3118).

Sentence—Appeal against sentence of nine months' imprisonment for knowingly permitting premises to be used for purposes of prostitution and for living on the earnings of prostitution—Sections 156(1)(*b*) and 164(1)(*a*) *of the Criminal Code Cap.* 154, *respectively—Medical aspect of the case—Psychiatric evidence—Appellant genuinely a medical case—But not a case of an insane prisoner for confinement in the Mental Hospital under the Mental Patients Law, Cap.* 252*—It is up to the responsible Medical authorities to watch appellant's condition as a prisoner in need of hospitalization—Sentence affirmed—Appeal dismissed.*

Prostitution—Knowingly permitting premises to be used for purposes of prostitution—Living on the earnings of prostitution—Sections 156(1)(*b*) *and* 164(1)(*a*) *of the Criminal Code, respectively — Sentence — Appeal against — Sentence affirmed — See hereabove.*

The facts sufficiently appear in the judgment of the Court.

Appeal against conviction and sentence.

Appeal against conviction and sentence by Eleni Alexandrou who was convicted on the 29th July 1969, at the District Court of Famagusta (Criminal Case No. 231/69) on two counts of the offences of permitting her premises to be used as a brothel and for living on the earnings of prostitution contrary to sections 156(1)(*b*) and 164(1)(*a*), respectively, of the Criminal Code Cap. 154 and was sentenced by Pikis, D.J. to nine months' imprisonment on each count, the sentences to run concurrently.

L. N. Clerides, for the appellant.

S. Nicolaides, Counsel of the Republic, for the respondents.

The judgment of the Court was delivered by :

VASSILIADES, P. : The appellant, a woman of 32 years of age, was convicted in the District Court Famagusta on July 29, 1969, of knowingly permitting a premises under her control to be used for purposes of prostitution, contrary to section 156(1)(*b*) of the Criminal Code, Cap. 154 ; and of living on the earnings of prostitution, contrary to section 164(1)(*a*) of the Code. She was sentenced to nine months' imprisonment on each count, to run concurrently. She now appeals against both, conviction and sentence.

In the course of the argument before us, learned counsel for the appellant, duly appreciating that there was ample material to justify the conviction, quite rightly, in our opinion, did not press the appeal against conviction.

The appeal against sentence, was taken on the ground that the sentence is manifestly excessive. The trial Judge in considering sentence took into account a similar previous conviction of the appellant, about a year earlier, (in July 1968) for which the appellant was bound over in the sum of £100 for one year to come up for judgment. The offence for which the appellant is now before us, was committed during that year. The Judge had also before him in connection with sentence, the allegation, put forward on behalf of the appellant by her advocate, that she was under treatment by a psychiatrist as she had been suffering of " anxiety, depression and irritability ".

Taking the view that the sentence must be such as to deter the offender from pursuing conduct for which she was before the Court for the second time within a year ; and also presumably to deter others from such practices, the trial Judge imposed a sentence of imprisonment as stated above.

Soon after her admission to prison, the appellant attempted to take her life ; and she was removed to the psychiatric wing of the Nicosia General Hospital. She was kept there from the 22nd August until the first hearing of the appeal on September 26, 1969, when the Government psychiatrist in charge of the case, (who was in attendance having been called by appellant's advocate) informed the Court that the appellant was genuinely a medical case ; and that although she was now more calm, she was still terrified of confinement in the prison, owing to her mental state. The doctor did not think that she was yet well

enough to be returned to prison ; and that further treatment and observation would enable him to report more definitely on the appellant. The case was thus adjourned for about a month for the purposes of such treatment and observation.

This morning we heard the doctor from the witness box, taking his evidence under section 25(3) of the Courts of Justice Law (No. 14 of 1960). Dr. Neophytou found further improvement in the condition of the appellant, but he was still doubtful whether returning her to prison would not demolish the improvement made in her condition. The witness could not say how much longer the appellant would have to be kept in the psychiatric wing of the hospital, before she would be fit to be returned to prison.

We have given this matter very anxious consideration. On the legal aspect the case presents no difficulty whatsoever. In view of appellant's past and particularly in view of her previous conviction, it cannot be said that the sentence imposed is so manifestly excessive, or otherwise wrong in principle, as to justify intervention by this Court.

As regards the medical aspect of the case we do not think that it is necessary for us to go into the matter any further. The appellant, as a convict, is in the hands of the appropriate medical services who have removed her from the prison to the psychiatric wing of the hospital, owing to her condition. Apparently, she is not a case of an insane prisoner for confinement in the Mental Hospital under the Mental Patients Law (Cap. 252). It is up to the responsible Medical authorities to watch her condition as a prisoner in need of hospitalization ; and keep her in the hospital as long as necessary, returning her to prison as soon as in their opinion she is fit for such transfer.

In the circumstances, we can dispose of the appeal before us on its merits ; and we have no difficulty in dismissing it. We feel confident that the medical services will take due care of the medical aspect of the case.

Appeal dismissed.