

1971
June 25

[TRIANTAFYLLIDES, P., L. LOIZOU, HADJIANASTASSIOU, JJ.]

—
ELENI EVAGOROU
v.
THE POLICE

ELENI EVAGOROU,

Appellant,

v.

THE POLICE,

Respondents.

(*Criminal Appeal No. 3260*).

Sentence—Fine—Appellant's alleged inability to pay the fine, does not render it manifestly excessive sentence once it seems to be a proper sentence in the circumstances.

Sentence—Assessment—Fine—See supra.

Public insult—The Criminal Code Cap. 154, section 99—Maximum fine provided £5—Incompatible with realities of today.

Per curiam: We feel we should draw the attention of the responsible authorities to the fact that the provision in section 99 of the Criminal Code for a maximum fine of £5 is incompatible with the realities of today as it obviously relates to the times when the value of money was very much higher than it is at present.

The facts sufficiently appear in the judgment of the Court dismissing this appeal against conviction and sentence.

Appeal against conviction and sentence.

Appeal against conviction and sentence by Eleni Evagorou who has convicted on the 25th May, 1971 at the District Court of Limassol (Criminal Case No. 4648/71) on two counts of the offences of assault causing actual bodily harm and public insult contrary to sections 243 and 99, respectively, of the Criminal Code Cap. 154 and was sentenced by Loris, D.J. to pay a fine of £15.— on count I and £5.— fine on count 2 and she was further ordered to pay £1.100 mils costs.

Appellant appeared in person.

K. Talarides, Senior Counsel of the Republic, for the Respondents.

The judgment of the Court was delivered by:-

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ELENI EVAGOROU

v.

THE POLICE

TRIANAFYLLIDES, P.: In this case the Appellant, who has been found guilty of the offences of assault causing actual bodily harm and of public insult, contrary, respectively, to sections 243 and 99 of the Criminal Code, Cap. 154, has appealed against her conviction regarding the latter offence and against the sentence imposed on her in respect of the former offence, viz. a fine of £15.

We have examined everything that has been stated by the Appellant in support of her contentions. We are of the opinion that her conviction on the count charging her with public insult was warranted by evidence which the Court below was entitled to accept as true; and, also, that even assuming that, as alleged by the Appellant, she does not have the means to pay the fine of £15 imposed on her in respect of the assault this is not a sufficient reason for us to hold that such fine is a manifestly excessive sentence, once it seems to us to be, in every respect, a proper sentence in the light of the circumstances of this case; the Appellant may apply to the trial Court for time in which to pay this fine and it is up to that Court to decide whether or not to grant her application.

In the result this appeal has to be dismissed; but, before concluding, we feel that we should draw the attention of the responsible authorities to the fact that the provision in section 99 for a maximum fine of £5 for the offence of public insult is incompatible with the realities of today as it obviously relates to the times when the value of money was very much higher than it is at present.

Appeal dismissed.