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GEORGHIOS
LOIZOU
v.
THE REPUBLIC

[TRIANTAFYLIDIS, P., HADJIANASTASSIOU, A. LOIZOU, JJ.]

GEORGHIOS LOIZOU,

Appellant,

v.

THE REPUBLIC,

Respondent.

(*Criminal Appeal No. 3257*).

Sentence—Narcotic Drugs—Five years' imprisonment for possessing a narcotic drug and for attempting to export such drug—Sections 5(1), 6, 22(2), 24 and 25 of the Narcotic Drugs Law, 1967 (Law No. 3 of 1967) and Regulations 5 and 22 of the Narcotic Drugs Regulations, 1967—Use of narcotics a social problem—Appellant's co-accused given lighter sentences by the trial Court—Wrong in principle to differentiate so much regarding punishment, particularly in view of the fact that Appellant provided police with information leading to the arrest of co-accused—Sentence not manifestly excessive—However, it must be reduced as being wrong in principle in the light of the foregoing and also of the fact that Appellant is a first offender and a man of low intellect.

Narcotic Drugs—Sentence—Sentence reduced on appeal—See supra.

Appeal against sentence—See supra.

Per curiam: We take the view that, in the interest of the effort to fight crime, persons who have committed offences together with others should be encouraged to help the police to discover their accomplices; and they can be so encouraged by relatively less severe than otherwise sentences.

Cases referred to:

Maos v. The Republic, reported in this Part at p. 191 *ante*.

The facts of the case sufficiently appear in the judgment of the Court allowing this appeal against sentence of five years' imprisonment and reducing such sentence into one of four years' imprisonment.

Appeal against sentence.

Appeal against sentence by Georghios Loizou who was convicted on the 25th May, 1971, at the Assize Court of Nicosia (Criminal Case No. 626/71) on two counts of the offences of possessing narcotic drugs contrary to sections 6 and 24 of the Narcotic Drugs Law, 1967 (Law No. 3 of 1967) and regulation 5 of the Narcotic Drugs Regulations, 1967 and of attempting to export Narcotic Drugs without a permit from the Minister of Health, contrary to sections 5(1), 22(2), 24 and 25 of the Narcotic Drugs Law (*supra*) and regulation 22 of the Narcotic Drugs Regulations (*supra*) and was sentenced by Ioannides, P.D.C. Stavriniakis and Stylianides, D.J.J. to 5 years' imprisonment on each count, the sentences to run concurrently.

M. Aziz, for the Appellant.

A. Frangos, Senior Counsel of the Republic, for the Respondent.

The judgment of the Court was delivered by:—

TRIANTAFYLLIDES, P.: The Appellant appeals against the sentence of imprisonment for five years which was imposed on him by an Assize Court after he had been found guilty, on his own plea, of the offences of possessing, without the authority of the Director of Medical Services, a narcotic drug, viz. 6 kilos and 910 grams of cannabis sativa, and of attempting to export such drug, without a permit from the Minister of Health, contrary to the provisions of the Narcotic Drugs Law, 1967 (3/67) and of the Narcotic Drugs Regulations, 1967.

The salient facts of the case, as they appear from the reasons given by the trial Court in passing sentence, are that a certain Georghios Makrides (who was a co-accused of the Appellant) discovered a sack in an orange grove containing what appeared to be a vegetable substance. On inquiring regarding the nature of such substance he found out that it was cannabis sativa and realizing that he was in possession of a "treasure" he tried to enrich himself by selling it; through intermediaries he was brought into contact with the Appellant who was looking for cannabis sativa and, eventually, he sold to him the whole quantity for £155. Makrides, in his endeavour to find a buyer, had enlisted the services of a certain Petros Athanassi (another co-accused of the Appellant) who, though

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being hesitant at the beginning, later on yielded to the incitement.

The Appellant on taking delivery of the said quantity tried to export it secretly to England, by packing it into two drums and taking precautions that it would not be discovered what the drums contained; but the drums were opened, and the nature of their contents was discovered, by the Customs authorities at Famagusta.

We would like to praise the vigilance shown by the Customs officers in Famagusta as a result of which there were detected the contents of the drums.

The Appellant, when he realized that the enterprise had failed, left in a hurry for England for reasons apparently connected with such enterprise, but, later on, he returned to Cyprus and surrendered to the police; and the information which was given to the police by the Appellant led to the arrests of his two co-accused, Makrides and Athanassi.

Both these two co-accused were convicted, having pleaded guilty, in respect of counts charging them with possession of the aforementioned quantity of cannabis sativa and with providing another person, the Appellant, with such quantity; Makrides was sentenced to three years imprisonment and Athanassi to two years imprisonment.

We have duly weighed all that were submitted on behalf of the Appellant and we are definitely of the opinion that the sentence imposed on him is severe but not manifestly excessive, especially when it is borne in mind that, in addition to possessing a large quantity of cannabis sativa, he tried to export it to another country at a time when there is being waged a world-wide campaign against the curse of narcotics.

In Cyprus the problem of narcotics is, as it was stressed recently by this Court in the case of *Maos v. The Republic* (reported in this Part at p. 191 *ante*), becoming a social problem and the Courts should deal severely with offences connected therewith. On the other hand, we have come to the conclusion that it was wrong in principle to differentiate so much, regarding punishment, between the Appellant and his co-accused, particularly in view of the fact that, after he returned to Cyprus and surrendered to the police, he provided the police with information as a result of which his co-accused—

(one of them being the supplier of the narcotic drug)—were arrested. We take the view that, in the interest of the effort to fight crime, persons who have committed offences together with others should be encouraged to help the police to discover their accomplices; and they can be so encouraged by relatively less severe than otherwise sentences.

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In the light of the foregoing, and also of the facts that the Appellant is a first offender and a man of low intellect, we have decided to allow this appeal and reduce the sentences of imprisonment, imposed on him in respect of both offences concerned, to sentences of four years imprisonment, which shall run concurrently from the date of his conviction.

Appeal allowed.