

IOANNIS ANTONI VOUNIOTIS,

Appellant,

v.

THE REPUBLIC,

Respondent.

IOANNIS ANTONI
VOUNIOTIS
v.
THE REPUBLIC

(*Criminal Appeal No. 3258*).

Sentence—Assessment—Factors to be taken into account—Appellant enabled the Police to trace articles subject-matter of the charge—Conduct to be encouraged by imposing lighter sentence—See further immediately herebelow.

Firearms and Ammunition—Possessing a firearm (a sten gun) and explosive substances—Two and a half years' imprisonment and one year's imprisonment, respectively—Section 3 of the Firearms Law Cap. 57 and section 4 of the Explosive Substances Law Cap. 54—Appellant enabled Police to trace those articles—No sufficient weight attributed by the trial Court to this aspect of the case—Sentence held to be wrong in principle—Desirability of encouraging surrender of said articles—Severe sentences not consistent with encouragement—Sentences imposed reduced on appeal to one year's imprisonment and six month's imprisonment, respectively, to run concurrently.

Appeal—Sentence—Sentence reduced as being wrong in principle—See supra.

Allowing this appeal against sentences of two and a half years' imprisonment and one year's imprisonment, respectively, and reducing them into one year's imprisonment and six months' imprisonment, respectively, the Court, after reviewing the facts:—

Held, (1). We do think that people should be encouraged to surrender arms and ammunition which they possess illegally; and that sentences as severe as those imposed on this Appellant (*supra*) are not consistent with such encouragement and are, therefore, wrong in principle.

(2) Thus the fact that the Appellant chose, even belatedly,

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to hand over to the Police the sten gun and the ammunition has led us to the decision to reduce the sentences imposed on him (which would not, otherwise, have been regarded as excessive) to sentences of one year's imprisonment for the possession of the sten gun and of six months' imprisonment for the possession of the ammunition; both to run concurrently from the date of conviction.

Appeal allowed. Sentences reduced as above.

Appeal against sentence.

Appeal against sentence by Ioannis Antoni Vouniotis who was convicted on the 26th May, 1971 at the Assize Court of Limassol (Criminal Case No. 4401/71) on two counts of the offences of possessing a firearm the importation of which is prohibited and of possessing explosive substances, contrary to sections 3 (1) (b) (2) of the Firearms Law, Cap. 57 (as amended by Law 20/70) and section 4 (4) (d) of the Explosive Substances Law, Cap. 54 (as amended by Law 21/70), respectively, and was sentenced by Malachtos, P.D.C. Vassiliades and Hadjitsangaris, D.JJ. to 2½ years' imprisonment on count 1 and 1 year's imprisonment on count 2, the sentences to run concurrently.

Appellant appeared in person.

S. Nicolaidis, Counsel of the Republic, for the Respondent.

The judgment of the Court was delivered by:—

TRIANTAFYLLIDES, P.: The Appellant appeals against concurrent sentences of imprisonment, of two and a half years and one year respectively, which were imposed on him in respect of a count charging him with unlawful possession of a firearm, viz. a sten gun, contrary to section 3 of the Firearms Law, Cap. 57, and of a count charging him with unlawful possession of explosive substances, viz. eighteen live rounds of ammunition, contrary to section 4 of the Explosive Substances Law, Cap. 54.

The salient facts of the case are as follows:

On the 31st July, 1970, the Appellant was carrying the sten gun and it went off accidentally. Being afraid that he would be discovered in possession of a firearm he reported to the

Police that somebody had attempted to kill him by shooting at him. The Police investigated the matter but the truth was not found out. Later, on the 29th October, 1970, the Appellant was arrested by the Police in connection with another case and, on the 1st November, 1970, while being interrogated for the other case, which, as counsel for the Respondent stated, was entirely unconnected with the sten gun and the ammunition, he decided to surrender the said articles and he showed to the Police the place where they were hidden.

The learned Judges of the Limassol Assizes, who convicted the Appellant, on his pleading guilty to the charges, concerned, and sentenced him to imprisonment as aforesaid, did not—as it appears from the record before us—lose sight of the fact that he had enabled the Police to trace the sten gun and the ammunition; we are, however, of the opinion that no sufficient weight was attributed to this very important aspect of the present case.

We do think that people should be encouraged to surrender arms and ammunition which they possess illegally; and that sentences as severe as those imposed on this Appellant are not consistent with such encouragement and are, therefore, wrong in principle. Thus, the fact that the Appellant chose, even belatedly, to hand over to the Police the sten gun and the ammunition has led us to the decision to reduce the sentences imposed on him (which would not, otherwise, have been regarded as excessive for the offences concerned) to sentences of one year's imprisonment for the possession of the sten gun and of six months' imprisonment for the possession of the ammunition; both to run concurrently from the date of conviction.

Appeal allowed.

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