[TRIANTAFYLLIDES, P., A. LOIZOU, MALACHTOS, JJ.]

ELISAVET VARNAVA,

Appellant,

v.

THE POLICE,

Respondents.

(Criminal Appeal No. 3644).

Criminal Law—Sentence—Six months' imprisonment for permitting premises to be used as a brothel and for procuration of women to become common prostitutes—Sections 156(1)(b) and 157(b) of the Criminal Code, Cap. 154—Appellant's personal circumstances—Need for deterrent sentence of imprisonment—Sentence neither wrong in principle nor manifestly excessive though perhaps severe.

Court of Appeal—Appeal against sentence—Principles on which Court of Appeal intervenes with a sentence imposed by Court below.

The appellant has appealed against concurrent sentences of six months' imprisonment which were passed upon her after she had pleaded guilty to a charge of permitting her premises to be used as a brothel, contrary to section 156(1)(b) of the Criminal Code, Cap. 154, and to two charges of procuration of women to become common prostitutes, contrary to section 157(b) of Cap. 154.

The appellant, who was in her early twenties, was a first offender; it was not in dispute that she did not receive any money in relation to the commission of the offences of which she was convicted; she furthermore made a clean breast of everything to the police and assisted them in their investigations. She has had a very unfortunate childhood and family life and she was divorced, having to support her daughter who was six years old.

Counsel for the appellant submitted that the sentence was manifestly excessive and wrong in principle and he

has, in support of his contention, emphasized particularly the personal circumstances of the appellant.

Held, 1. Having carefully considered all that has been said on behalf of the appellant we have come to be of the view that the sentences passed upon her may, perhaps, be severe, but they are definitely not manifestly excessive. 5

2. There is nothing before us showing that the sentences are wrong in principle: We agree with the trial judge that in a case of this nature a deterrent sentence 10 of imprisonment was indicated, especially when bearing in mind the difficult social conditions prevailing at present in our country and the consequentially greater risk of being led astray to which young women, such as those, who were procured by the appellant, are exposed. 15

Appeal dismissed.

Appeal against sentence.

Appeal against sentence by Elisavet Varnava who was convicted on the 14th August, 1975 at the District Court of Nicosia (Criminal Case No. 11758/75) on one 20 count of the offence of permitting her premises to be used as a brothel and on two counts of the offence of procuration of women to become common prostitutes contrary to sections 156(1)(b) and 157(b) of the Criminal Code Cap. 154, respectively, and was sentenced by 25 Michaelides, D.J. to concurrent sentences of six months' imprisonment on each count.

L. Clerides with *A. Xenophontos*, for the appellant.

A. Angelides, for the respondents.

The judgment of the Court was delivered by :- 30

TRIANTAFYLLIDES, P.: This is an appeal against concurrent sentences of six months' imprisonment which were passed upon the appellant after she had pleaded guilty, on the 17th July, 1975, to a charge of permitting her premises to be used as a brothel, contrary to section 35 156(1)(b) of the Criminal Code, Cap. 154, and to two charges of procuration of women to become common prostitutes, contrary to section 157(b) of Cap. 154; she was sentenced on the 14th August, 1975.

Counsel for the appellant has submitted that the above sentences are manifestly excessive and wrong in principle and he has, in support of his contention, emphasized particularly the personal circumstances of the appellant.

5 It is true that she did have a very unfortunate childhood and family life and that she is now divorced, having to support her daughter, who is six years old.

The appellant, who is in her early twenties, is a first offender; it is not in dispute that she did not receive 10 any money in relation to the commission of the offences of which she was convicted; furthermore, as was stressed by her counsel, she made a clean breast of everything to the police and assisted them in their investigations.

As laid down in many previously decided cases we 15 cannot on appeal substitute our own assessment of the right sentence in the place of that of the trial Court; we can intervene only if there exists good ground for doing so, such as an error in principle or a manifestly excessive sentence.

20 There is nothing before us showing that the sentences imposed on the appellant are wrong in principle: We must say, in this respect, that we agree with the trial judge that in a case of this nature a deterrent sentence of imprisonment was indicated, especially when bearing 25 in mind the difficult social conditions prevailing at present in our country and the consequentially greater risk of being led astray to which young women, such as those who were procured by the appellant, are exposed.

The trial judge appears, from his carefully worded 30 judgment, to have taken duly into account all relevant considerations, including the nature of the offences, the facts of the case and the personal circumstances of the appellant, which were placed before him by, *inter alia*, a social investigation report. Having carefully considered 35 all that has been said on behalf of the appellant we have come to be of the view that the sentences passed upon her may, perhaps, be severe, but they are definitely not manifestly excessive.

Counsel for the respondents has said that because, in 40 particular, of the personal circumstances of the appellant,

we might deem it fit to set her free as from today; this is, obviously, a very humane gesture which we do appreciate fully, but we are of the view that there is no room for such a compassionate approach within the limits of the exercise of our judicial powers in the present case; 5 it is a matter which may, if necessary, be dealt with under the much wider powers of the Executive Branch of the Government, as provided by the Constitution.

For these reasons this appeal is dismissed.

Appeal dismissed. 10