

CHARALAMBOS MICHAEL,

CHARALAMBOS
MICHAEL

Appellant,

v.

v.

THE POLICE,

THE POLICE

Respondents.

(Criminal Appeal No. 3640).

Criminal Law—Sentence—Being in charge of motor-vehicle while under the influence of drink—Section 9 of the Motor Vehicles and Road Traffic Law, 1972 (Law 86 of 1972)—Fine and disqualification—Increased frequency of traffic accidents with serious consequences—Need that those in charge of motor-vehicles should take care to be always fit and able to drive—No valid reason for interfering with sentence.

Disqualification—Special reasons.

10 Road Traffic—Being in charge of motor-vehicle while under the influence of drink—Sentence.

The appellant complains against the sentence of £15 fine and disqualification from obtaining or possessing a driving licence for a period of one year which was imposed on him when found guilty of the offence of being in charge of a motor-vehicle while under the influence of drink, contrary to s. 9 of the Motor Vehicles and Road Traffic Law, 1972 (Law 86 of 1972).

20 Counsel for the appellant contended that in the charge sheet the appellant was described as a baker by profession and that this should have been given due weight by the trial judge as a special reason.

25 *Held,* (1) we do not think that the mere description of the occupation of the appellant, as aforesaid, without anything more having been put forward in order to show that he needed his driving licence for the purposes of such occupation, should have been treated as a special reason for imposing a lesser punishment.

(2) Traffic accidents, with serious consequences, are

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becoming increasingly frequent and, therefore, those in charge of motor-vehicles should take care to be always fit and able to drive them safely; examining as a whole the sentence which was passed upon the appellant, including the disqualification order (see *Miltiadous v. The Police* (1970) 2 C.L.R. 81, 84), we can find no valid reason for interfering with it, so, this appeal is dismissed accordingly. 5

Appeal dismissed.

Cases referred to: 10

Miltiadous v. The Police (1970) 2 C.L.R. 81 at p. 84.

Appeal against sentence.

Appeal against sentence by Charalambos Michael who was convicted on the 21st July, 1975 at the District Court of Larnaca (Criminal Case No. 975/75) on one count 15 of the offence of being in charge of a motor-vehicle while under the influence of drink contrary to section 9 of the Motor Vehicles and Road Traffic Law, 1972 (Law 86/72) and was sentenced by Artemis, D.J. to pay a fine of £15.- and was further disqualified from obtaining or 20 possessing a driving licence for a period of one year.

A. Skordis with A. Mathikolonis, for the appellant.

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

The judgment of the Court was delivered by :- 25

TRIANTAFYLIDIS, P.: The appellant appeals against the sentence passed upon him when he was found guilty of the offence of being in charge of a motor-vehicle while under the influence of drink, contrary to section 9 of the Motor Vehicles and Road Traffic Law, 1972 (Law 30 86/72).

The appellant appeared before the trial Court in person, without the assistance of counsel; it is clear, however, from the record before us that before passing sentence the trial judge afforded him an opportunity to 35 address him in mitigation but the appellant said nothing in this respect; this has been stressed by the trial judge in giving his reasons for imposing on the appellant the sentence of £15 fine and disqualification from obtaining

or possessing a driving licence for the period of one year; so, as correctly pointed out by the judge, no special reasons for adopting a more lenient course were put forward by the appellant.

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- 5 In the course of the hearing of this appeal it was contended by counsel for the appellant that in the charge sheet the appellant was described as a baker by profession and that this should have been given due weight by the trial judge as a special reason.
- 10 We do not think that the mere description of the occupation of the appellant, as aforesaid, without anything more having been put forward in order to show that he needed his driving licence for the purposes of such occupation, should have been treated as a special
- 15 reason for imposing a lesser punishment.

It is quite clear from the evidence on record that the appellant must have been driving his vehicle, immediately before it was found by the police, with the engine still running, stationary in the middle of a street; the appellant was at the driver's seat asleep, under the influence of drink, having apparently stopped because he was unable to drive in the condition in which he was, and the police woke him up in order to arrest him.

20 Traffic accidents, with serious consequences, are becoming increasingly frequent and, therefore, those in charge of motor-vehicles should take care to be always fit and able to drive them safely; examining as a whole the sentence which was passed upon the appellant, including the disqualification order (see *Miltiadous v. The*

30 *Police*, (1970) 2 C.L.R. 81, 84), we can find no valid reason for interfering with it; so, this appeal is dismissed accordingly.

Appeal dismissed.