

THEODOROS CHRISTODOULOU TSIELEPOS,

Appellant,

v.

THE REPUBLIC,

Respondent.

THEODOROS
CHRISTODOULOU
TSIELEPOS
v.
THE REPUBLIC

(*Criminal Appeal No. 3688*).

*Criminal Law—Sentence—Concurrent sentences of three years' and
eighteen months' imprisonment for unlawful possession of a firearm
and ammunition—Seriousness of offence of illicit possession of a
firearm—And need to be treated with the utmost severity by the
5 Courts especially since the coup d'etat of 1974—Appeal dismissed.*

*Firearms—Possession—Sentence—Seriousness of offence—Need to be
treated with the utmost severity—Especially since the coup d'etat
of 1974.*

10 The appellant pleaded guilty to the 'offences of possessing
unlawfully a firearm and ammunition and was sentenced to
concurrent sentences of three years' and eighteen months' im-
prisonment. In the social investigation report there was nothing
to be found which could lead the Court of Appeal to think that
the sentence imposed on the appellant should have been more
15 lenient in view of any personal circumstances of his.

The appellant appealed against sentence:

20 *Held*, (1) illicit possession of a firearm is an offence which is
very serious, more than ever before, in this country (see *Lokatzis*
v. The Republic (1973) 2 J.S.C. 203); and since the coup d'etat
which was attempted in the summer of 1974 it is plainly obvious
that this offence should be visited with the utmost severity by
the Courts.

25 (2) We would not, therefore, be justified at all if, in the
absence of any substantial special mitigating factors, we were
to reduce the sentences imposed on the appellant.

Appeal dismissed.

Cases referred to:

Lokatzis v. The Republic (1973) 2 J.S.C. 203.

1976
June 4

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THEODOROS
CHRISTODOULOU
TSIELEPOS
v.
THE REPUBLIC

Appeal against sentence.

Appeal against sentence by Theodoros Christodoulou Tsie-
lepos who was convicted on the 6th February, 1976 at the
Assize Court of Limassol (Criminal Case No. 20531/75) on two
counts of the offence of possessing a firearm contrary to section 5
4(1)(2)(b) and 28 of the Firearms Law, 1974 (Law 38/74) and
of possessing ammunition contrary to section 4(4)(d) of the
Explosive Substances Law, Cap. 54 (as amended by Law No.
21/70) and was sentenced by Loris, P.D.C. Hadjitsangaris,
S.D.J. and Anastassiou, D.J. to concurrent terms of three 10
years' and eighteen months' imprisonment, respectively.

P. Ioannides, for the appellant.

A. M. Angelides, Counsel of the Republic, for the respon-
dent.

The judgment of the Court was delivered by:- 15

TRIANAFYLLIDES, P.: The appellant complains against the
concurrent sentences of three years' and eighteen months' im-
prisonment, respectively, which were passed upon him by an
Assize Court in Limassol in respect of the offences of possessing
unlawfully a firearm and ammunition to which he pleaded 20
guilty.

The sentences have been challenged before us today as being
manifestly excessive and wrong in principle. The main ground
on which counsel for the appellant has relied is the fact that,
admittedly, the appellant had been acting in the past as a police 25
informer; and the appellant has alleged that he was carrying
the firearm and ammunition for reasons of self-protection as,
due to his conduct as an informer, he had been receiving threa-
tening telephone calls.

When, however, the police stopped the car of the appellant 30
for a search he did not explain to them at once that, and why,
he was in possession of a gun, which would have been the
natural thing to do for a person who had been co-operating
with the police and who had been threatened for doing so;
on the contrary, he denied initially any knowledge of the exist- 35
ence of the gun when it was found, and said that it was not
his; later on, however, he admitted that it was his own gun
and only then he put forward the explanation that he was
carrying it for his own protection.

In the social investigation report which was placed before the 40

Assize Court there is nothing to be found which could lead us to think that the sentence imposed on the appellant should have been more lenient in view of any personal circumstances of his; on the contrary, he appears to have a very irresponsible attitude towards his family life; he has deserted his wife and he is living with another woman, and the fact that he is maintaining his family by paying C£30 per month is not really something to be taken in his favour because he had to be forced to do so by means of a judicial order.

10 We do agree with counsel for the respondent that the illicit possession of a firearm is an offence which is very serious, more than ever before, in this country; this was already stressed in, for example, *Lokatzis v. The Republic*, (1973) 2 J.S.C. 203, and since the coup d'etat which was attempted in the summer of 1974 it is plainly obvious that the crime of possessing weapons unlawfully should be visited with the utmost severity by the Courts; therefore, we would not be justified at all if, in the absence of any substantial special mitigating factors, we were to reduce the sentences imposed on the appellant.

20 His role as a police informer is a matter best known to the Government, as regards, especially, the extent of his contribution as a informer; if, therefore, there is room for special leniency it is for the Executive to consider the matter in the exercise of its own competence at the appropriate time.

25 In the result this appeal fails and is dismissed accordingly.

Appeal dismissed.