

CASES
DECIDED BY
THE SUPREME COURT OF CYPRUS
ON APPEAL
AND
IN ITS ORIGINAL JURISDICTION

Cyprus Law Reports

Volume 2 (Criminal)

1979 January 25

[TRIANTAFYLLIDES, P., L. LOIZOU, HADJIANASTASSIOU,
A. LOIZOU, MALACHTOS, DEMETRIADES, SAVVIDES, JJ.]

THE REPUBLIC,

v.

ANDREAS POURIS AND OTHERS,

Accused.

(*Question of Law Reserved No. 175.*)

5 *Criminal Procedure—Trial in criminal cases—Acquittal of accused at
close of case for the prosecution—And addition of two new counts—
Questions of law reserved for the opinion of the Supreme Court
on the application of the Attorney-General—Section 148(1) of
the Criminal Procedure Law, Cap. 155—Attorney-General not
10 considering it any longer necessary to have opinion of Supreme
Court on the said questions of law—Counsel for accused agreeing
with this stand—Trial regarding the added two new counts will
not be affected if Supreme Court does not pronounce on the ques-
tions of law—Proceedings treated as having been discontinued on
the application of the Attorney-General with consent of counsel
for the accused.*

On the application of counsel for the prosecution, on behalf of the Attorney-General of the Republic, the Assize Court of Limassol reserved, under section 148(1) of the Criminal Procedure Law, Cap. 155, for the opinion of the Supreme Court eight questions of law in relation to a ruling it had given at the close of the case of the prosecution by means of which it acquitted the accused on four counts of premeditated murder, added two new counts and called upon them to plead thereto. 5

On the day of hearing of the questions of law the Deputy Attorney-General informed the Supreme Court that the Attorney-General did not consider it to be any longer necessary, for the purposes of the trial of the case in question by the Assize Court, to have the opinion of the Supreme Court on the said questions of law, and that the trial of such case should be allowed to proceed in respect of the two new counts. Counsel for the accused agreed with the stand taken by the Attorney-General. 10 15

Held, that there emerges clearly from the record that the further course of the trial, as regards the added two new counts, will not be affected at all if this Court does not pronounce upon the aforementioned questions of law; that, therefore, the proceedings regarding the said questions of law will be treated as having been discontinued on the application of the Attorney-General and with the consent of counsel for the accused; and that the trial Court will be informed accordingly so that it may proceed with the trial of the accused on the two new added counts. 20 25

Order accordingly.

Question of Law Reserved.

Question of Law Reserved by the Assize Court of Limassol (Loris, P.D.C., Hadjitsangaris, S.D.J. and Chrysostomis, S.D.J.), for the opinion of the Supreme Court, under section 148(1) of the Criminal Procedure Law, Cap. 155, on the application of the Attorney-General of the Republic, upon the acquittal of the accused on four counts of the offence of premeditated murder, the addition of two new counts and the calling upon of the accused to plead thereon. 30 35

L. Loucaides, Deputy Attorney-General of the Republic, with *M. Kyprianou*, Senior Counsel of the Republic, for the Republic.

A. Eftychiou, for accused 1 and 3. 40

M. Christofides, for accused 2, 4, 6 and 7.

P. Solomonides, for accused 5.

5 TRIANTAFYLLIDES P. gave the following decision of the Court. In the present case the trial Court, the Assize Court of Limassol, after it had given, at the close of the case for the prosecution, a Ruling acquitting the accused on four counts of premeditated murder, on the ground that no prima facie case had been made out against them sufficiently to require them to make a defence, added two new counts and called upon the accused to plead thereto.

10 At that stage counsel for the prosecution applied, on behalf of the Attorney-General of the Republic, that the trial Court, before proceeding any further, should reserve, under section 148(1) of the Criminal Procedure Law, Cap. 155, eight questions of law, in relation to the said Ruling, for the opinion of the Supreme Court; and the trial Court, in view of the mandatory provisions, in this respect, of section 148(1) reserved the questions applied for; thus the present proceedings came before us.

20 Today the Deputy Attorney-General has informed us that the Attorney-General does not consider it to be any longer necessary, for the purposes of the trial of the case in question by the Assize Court, to have the opinion of the Supreme Court on the said questions of law, and that the trial of such case should be allowed to proceed in respect of the two new counts; it appears that the Attorney-General does not continue to challenge the validity of the acquittals of the accused in relation to the four initial counts for premeditated murder.

30 Counsel for the accused have agreed with the stand taken by the Attorney-General; and there emerges clearly from the record before us that the further course of the trial, as regards the added two new counts, will not be affected at all if we do not pronounce upon the aforementioned questions of law.

35 We, therefore, have decided to treat the present proceedings before us as having been discontinued on the application of the Attorney-General, and with the consent of counsel for the accused, and we shall inform the trial Court accordingly, so that it may proceed with the trial of the accused on the two new added counts.

Proceedings discontinued.