

1979 February 20

[HADJIANASTASSIOU, A. LOIZOU AND MALACHTOS, JJ.]

ANASTASSIS PANAYI MANTIS,

*Appellant.*

v.

THE POLICE,

*Respondents.*

(*Criminal Appeal No. 3996*).

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*Criminal Law—Conviction and sentence—Contempt of Court—Section 44(1)(a) and (2) of the Courts of Justice Law, 1960 (Law 14 of 1960)—Appellant using insulting language against the Court in the course of his trial for assault causing actual bodily harm—Rightly convicted of contempt of Court—One month’s imprisonment—Though in the circumstances of this case a more severe sentence was warranted—Sentence not increased in view of the fact that appellant spends a lot of his time in prison.*

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In the course of his trial on a charge of assault causing actual bodily harm the appellant started shouting and in spite of a warning by the trial Judge he went on and said the following:—

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“ I do not care about anything. I do not care if I am sent for 20 years in prison. You, the Judges in Larnaca, you are bought off by the police because they tried me and sent me in prison for one year for receiving stolen property and they took my money. I appealed and I received only six months’ imprisonment.”

Thereupon the trial Judge adjourned the trial of the case and when he resumed he informed the appellant that his behaviour amounted to contempt of Court, contrary to section 44(1)(a) and (2) of the Courts of Justice Law, 1960 (Law 14/60) and sentenced him to one month’s imprisonment.

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Upon appeal against conviction and sentence:

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*Held, dismissing the appeal,* that this is a case in which any Court of law would not have acted otherwise;

that the appellant was so provocative and had behaved in such an unbecoming manner as to warrant, in the circumstances of this case, a more severe punishment indeed; that, however, fully cognisant of the fact that he spends a lot of his time in prison, this Court has, with great difficulty, decided not to increase the sentence imposed upon him; that, once he was in prison for another reason the trial Court rightly decided that his sentence should not run concurrently with that term of imprisonment; and that once he was rightly found guilty of contempt of Court his appeal must accordingly be dismissed.

*Appeal dismissed.*

**Appeal against conviction and sentence.**

Appeal against conviction and sentence by Anastassis Panayi Mantis who was, on the 2nd January, 1979 at the District Court of Larnaca (Criminal Case No. 8307/78), during his trial on a charge of assault contrary to section 243 of the Criminal Code Cap. 154, convicted for contempt of Court contrary to sections 44(1)(a) and 44(2) of the Courts of Justice Law, 1960 (Law No. 14/60) and was sentenced by Michaelides, Ag. D.J. to one month's imprisonment.

*Appellant appeared in person.*

*S. Nicolaidis, Senior Counsel of the Republic, for the respondent.*

HADJIANASTASSIOU J. gave the following judgment of the Court. On January 2, 1979, the appellant Anastassis P. Mantis, during his trial on a charge of assault causing actual bodily harm to the complainant, Andreas Anastassiou—his son, contrary to s. 243 of the Criminal Code Cap. 154, was found guilty of contempt of Court under the Courts of Justice Law 1960, (Law No. 14/60). He was sentenced to one month's imprisonment.

The facts are simple: On September 3, 1978, at 21.45 a.m. the accused went to lodge a complaint to P. C. Apostolos Dhilinos accompanied by his son Andreas, four years of age, and complained against his wife Marianna that she left his son unattended in the streets. P. S. Andreas Sergides, who was in the same office at that time, advised the accused to take his child home and to visit the Welfare Office next morning and report the matter there.

The accused, for reasons which do not appear on record, got angry and the unfortunate creature, his son, was hit by him on the head. The child was scared and started crying loudly. The accused, still in a rage, was pulling the child  
5 from out of the office, and was shouting in the yard “αὐτὸς φταίει γιὰ ὄλα, θὰ τὸν σκοτώσω”. (He is to blame for every-  
thing, I shall kill him)—meaning his child.

Then the accused in a long cross-examination on other matters which mostly had nothing to do with the case before  
10 the Court, put to P. C. Georghios Kyriakou this question:—

“ I put it to you that you are a liar because you have in-  
vented the whole story after you have hit me for wearing  
a brassiere and a woman’s wig and other female apparel,  
and you are presenting today in Court the story in order  
15 to incriminate me because you did not manage to close  
down my kazanti business.”

When this witness denied it and said that everything was a lie, the accused started shouting and in spite of the warning made by the trial Court, he continued using this language:

20 “ I do not care about anything. I do not care if I am sent  
for 20 years in prison. You, the Judges in Larnaca, you  
are bought off by the police because they tried me and  
sent me in prison for one year for receiving stolen property  
and they took my money. I appealed and I received only  
25 six months’ imprisonment.”

Quite rightly, in our view, the Court gave the accused a stern warning and told him that his behaviour amounted to a contempt of Court, and he ought not to continue using insulting language against the Court. The trial Judge, facing such  
30 appalling behaviour by the accused, adjourned the trial of the case and when he resumed he informed the accused that his behaviour was contrary to ss. 44(1)(a) and 44(2) of the Courts of Justice Law and imposed upon him one month’s imprisonment. The trial Court, having found it impossible to continue  
35 the trial because of the appalling behaviour of the accused, had to adjourn the case to another date.

We have listened with patience to what has been said by the accused on appeal, that he was innocent and we think that

this is a case in which any Court of law would not have acted otherwise. The accused was so provocative and had behaved in such an unbecoming manner as to warrant, in the circumstances of this case, a more severe punishment indeed. However, fully cognisant of the fact that the accused spends a lot of his time in prison, with great difficulty we have decided not to increase the sentence imposed upon him. We are of the view that the trial Court rightly decided—once the accused was in prison for another reason, that his sentence should not run concurrently with that term of imprisonment. We would, therefore, dismiss the appeal once the accused was rightly found guilty of contempt of Court.

*Appeal dismissed.*