

1979 July 6

[A. LOIZOU, MALACHTOS, SAVVIDES, JJ.]

NICOS ALECOU,

Appellant,

v.

THE POLICE,

Respondents.

(Criminal Appeal No. 4050).

Criminal Law—Sentence—Dangerous driving—Three months’ imprisonment and six months’ disqualification from holding or obtaining a driving licence—Seriousness of offences relating to safety on the road—Frequent and disturbing occurrence of road accidents—In addition to serious consequences that resulted from his dangerous driving appellant had three previous convictions for road traffic offences—Sentence as a whole not manifestly excessive. 5

Road traffic—Dangerous driving—Sentence—Seriousness of the Offence.

The appellant pleaded guilty to a charge of dangerous driving and was sentenced to three months’ imprisonment and disqualified from holding or obtaining a driving licence for a period of six-months. 10

Upon appeal against sentence:

Held, that offences relating to safety on the road are of a serious nature; that the disregard of the rules and regulations aimed at having safe and orderly use of the roads by both drivers and pedestrians, coupled with the density of the traffic on our roads, have brought about a frequent and disturbing occurrence of accidents resulting both in damage to property and injury and death to persons; that, for these reasons, road users and in particular those in charge of motor-vehicles, should always observe the relevant rules and regulations for their own safety and that of others; that examining the sentence which was passed upon the appellant as a whole, including the disqualification order, there is no valid reason for interfering with it; and that, accordingly, the appeal must be dismissed. 15
20
25

Appeal dismissed.

Appeal against sentence.

Appeal against sentence by Nicos Alecou who was convicted on the 25th June, 1979 at the District Court of Nicosia (Criminal Case No. 28977/78) on one count of the offence of dangerous driving, contrary to sections 7(1) and 19 of the Motor Vehicles and Road Traffic Law, 1972 (Law 86/72) and was sentenced by Nicolaou, Ag. D.J. to three months' imprisonment and disqualified from holding or obtaining a driving licence for a period of six months.

10 *Th. Montis*, for the appellant.

S. Nicolaidis, Senior Counsel of the Republic, for the respondents.

The judgment of the Court was given by:

15 A. LOIZOU J.: The appellant having been found guilty, on his own plea, to a charge of dangerous driving, contrary to sections 7(1) and 19 of the Motor Vehicles and Road Traffic Law, 1972 (Law No. 86 of 1972), was sentenced to three months imprisonment and disqualified from holding or obtaining a driving licence in respect of a motor vehicle for a period of six months. He was further ordered to pay £5.—the costs of the prosecution.

His appeal against sentence is on the ground that same is manifestly excessive. The circumstances of the case are as follows:

25 The appellant on the 21st June, 1978 at 00.05 hrs. was driving motor-car ZHQ.936 along Strovolos Avenue to the direction of Nicosia. At a certain point near "Halcousis" factory, he came to be the third in line to two preceding vehicles travelling to the same direction. The second vehicle then, tried to overtake the first in the line. At the moment when the two first vehicles were side by side, the appellant attempted to overtake them by using in that process the berm on the right side of the road. The result was that he obstructed the path of the on-coming motor-taxi under Reg. No. TJW.665, and there followed a violent head-on collision, despite the fact that the taxi driver applied brakes in an attempt to avoid this impact. In consequence, the two vehicles sustained extensive damage and the appellant, the taxi driver and two other persons, suffered minor injuries, whilst another passenger in the car of the appellant was rather seriously injured.

The appellant is a displaced person from Trachonas married with three minor children and a professional driver for 11 years. The civil claims between the parties were settled and he was about, at the time of the trial, to be employed as a driver on a motor-lorry. Now, however, he is oriented towards setting up a little restaurant at Strovolos; hence, according to his counsel, his release from prison would facilitate the setting up of his new business. 5

In the present case the appellant, in addition to the very dangerous way of driving which had the serious consequences earlier referred to, has three previous convictions, all suggesting an attitude, to put it mildly, of lack of respect for safety on the road. In 1975 for speeding, he was fined £12.— and bound over in the sum of £100.— for 18 months to keep the Traffic Laws and Regulations. In 1976 for careless driving he was fined £25.— and the previous binding over was ordered to remain in force. In 1977 for speeding he was disqualified for three months. 10 15

Disqualification from driving was tried on him on the last occasion but it apparently failed to have any deterrent effect on him and the learned trial Judge fully cognizant of his responsibility to see that the Law was duly obeyed, imposed on the appellant, in addition to a period of disqualification, a custodial sentence. 20

No doubt, offences relating to safety on the road are of a serious nature. The disregard of the rules and regulations aimed at having safe and orderly use of the roads by both drivers and pedestrians, coupled with the density of the traffic on our roads, have brought about a frequent and disturbing occurrence of accidents resulting both in damage to property and injury and death to persons. For these reasons, road users and in particular those in charge of motor-vehicles, should always observe the relevant rules and regulations for their own safety and that of others. 25 30

Examining the sentence which was passed upon the appellant as a whole, including the disqualification order, we find no valid reason for interfering with it. 35

Therefore, this appeal is dismissed accordingly.

Appeal dismissed.