

1981 September 15

[TRIANTAFYLIDIS, P., DEMETRIADES, SAVVIDES, JJ.]

ANASTASSIS PANAYI GEORGHIOU MANTIS,

*Appellant,*

v.

THE POLICE,

*Respondents.*

(*Criminal Appeal No. 4234*).

*Criminal Law—Evidence—Accomplice—Corroboration—Principles applicable.*

The appellant was charged with having committed the offence of housebreaking together with a co-accused of his, who pleaded guilty and after having been sentenced he gave evidence against the appellant on behalf of the prosecution. The trial Judge after examining thoroughly the legal principles applicable to the admissibility and reliability of the evidence of an accomplice accepted the evidence of the accomplice which implicated fully the appellant; and stated that, having duly warned himself, he was prepared to act on the strength of the evidence of the accomplice even if it was uncorroborated.

*Upon appeal against conviction:*

*Held*, that the conclusion of the trial Judge that the appellant was guilty of the offence concerned was fully warranted in the circumstances of this case and, therefore, this appeal is dismissed accordingly.

*Appeal dismissed.*

Cases referred to:

- Demetriou v. The Republic*, 1961 C.L.R. 309;
- Zacharias v. The Republic*, 1962 C.L.R. 52;
- Peristianis v. The Police* (1969) 2 C.L.R. 137;
- Fourri v. The Republic* (1980) 2 C.L.R. 152.

**Appeal against conviction.**

Appeal against conviction by Anastassis Panayi Georghiou Mantis who was convicted on the 25th June, 1981 at the District Court of Famagusta (Criminal Case No. 1495/80) on one count  
 5 of the offence of housebreaking, contrary to section 292(a) of the Criminal Code, Cap. 154 and was sentenced by Eliades D.J. to eighteen months' imprisonment.

Appellant appeared in person.

*M. Photiou*, for the respondents.

10 TRIANTAFYLIDIS P. gave the following judgment of the Court. The appellant has appealed against his conviction, on June 25, 1981, by the District Court of Famagusta, of the offence of housebreaking, contrary to section 292(a) of the Criminal Code, Cap. 154.

15 He was sentenced to eighteen months' imprisonment and he has appealed only against his conviction.

At the trial the appellant was charged with having committed the aforesaid offence together with a co-accused of his, who, however, pleaded guilty and who, after having been sentenced,  
 20 gave evidence against the appellant on behalf of the prosecution.

According to the particulars of the charge on which he was convicted, the appellant, together with his co-accused, on June 24, 1980, broke and entered a dwelling house at Paralimni with the intent to commit a felony.

25 The trial Judge, after examining thoroughly the legal principles applicable to the admissibility and reliability of the evidence of an accomplice, such as was the co-accused of the appellant, and having referred, *inter alia*, to cases such as *Demetriou v. The Republic*, 1961 C.L.R. 309, *Zacharias v. The Republic*,  
 30 1962 C.L.R. 52, *Peristianis v. The Police*, (1969) 2 C.L.R. 137 and *Fourri v. The Republic*, (1980) 2 C.L.R. 152, accepted, without hesitation, the evidence of the accomplice which implicated fully the appellant in the commission of the offence with which he was charged. The trial Judge stated further that,  
 35 having duly warned himself, he was prepared to act on the strength of the evidence of the said accomplice even if it was uncorroborated.

As a matter of fact, however, the trial Judge found that such evidence was corroborated by an admission of the offence in question by the appellant on, at least, one occasion, when he was taken, on a later date, to Court for the purpose of being remanded in custody in relation to police investigations in connection with another offence, which had, allegedly, been committed by the appellant. 5

Having heard what the appellant had to say in support of his appeal before us today, when he argued it in person, we find that the conclusion of the trial Judge that he was guilty of the offence concerned was fully warranted in the circumstances of this case and, therefore, this appeal is dismissed accordingly. 10

*Appeal dismissed.*