

1985 March 4

[A. LOIZOU, DEMETRIADES, LORIS, JJ.]

MOHAMED ABDOU AHMET AL KASHAWI,

*Appellant,*

v.

THE REPUBLIC,

*Respondent.*

*(Criminal Appeal No. 4594).*

*Criminal Law—Sentence—Uttering a false document—Obtaining money by false pretences—And possessing forged bank notes—Seriousness of the offences—Sentence of two years' imprisonment not excessive notwithstanding that appellant a first offender who pleaded guilty and handed the rest of the forged bank notes in his possession.*

The appellant, an Egyptian sailor, pleaded guilty to the offences of uttering a false document, of obtaining money by false pretences and of possessing forged bank notes and was sentenced to two years' imprisonment on the uttering and possessing bank notes counts and one year's imprisonment on the obtaining money by false pretences count, the sentences to run concurrently. He was a first offender and was co-operative with the Police in making a clean breast of every offence he had committed and handed over the rest of the forged bank notes he had in his possession.

*Upon appeal against sentence:*

*Held*, that forging, possessing and uttering false documents are of themselves very serious offences and in no way they should be treated in a manner that may appear to be encouraging their commission; that more so forgery of bank notes and coinage offences are not to be treated lightly; and that, therefore, this appeal must be dismissed.

*Appeal dismissed.*

**Appeal against sentence.**

Appeal against sentence by Mohamed Abdou Ahmet Al Kashawi who was convicted on the 16th November, 1984

at the Assize Court of Limassol (Criminal Case No. 25079/84) on one count of the offence of uttering a false document contrary to sections 339 and 336 of the Criminal Code, Cap. 154, on two counts of the offence of obtaining money by false pretences contrary to sections 297 and 298 of the Criminal Code, Cap. 154 and on one count of the offence of possessing forged bank notes contrary to section 345 of the Criminal Code, Cap. 154 and was sentenced by Hadjitsangaris, P.D.C., Artemis, S.D.J. and Stavrinides, D.J. to two years' imprisonment on the first count and to one year's imprisonment on each of the other counts, the sentences to run concurrently. 5 10

*Chr. Louca* with *A. Spyridakis*, for the appellant.  
*A. Vassiliades*, for the respondent.

A. LOIZOU J. gave the following judgment of the Court. The appellant, was found guilty on his own plea by the Limassol Assize Court of four counts: the first for uttering a false document, contrary to ss. 339 and 336, the second and third for obtaining money by false pretences, contrary to ss. 297 and 298, and the fourth for possessing forged bank notes of 100 U.S. Dollars each, contrary to s. 345, of the Criminal Code, Cap. 154. 15 20

The facts of the case are briefly these. The appellant, an Egyptian sailor, was at the material time out of employment and staying at the Metropol Hotel in Limassol. He called a taxi to take him and a friend of his to the New Limassol Port, where for the cost of the fare he handed a 100 U.S. dollar bank note and although at the exchange rate quoted by the taxi driver it could be accepted to be equal to C£60.-, he intimated that he would be content to have it exchanged for C£59.-, thus making a discount of £1.-. The taxi driver then was paid for the fare C£2.- and handed him C£57.- change. After the taxi driver ascertained, through a friend of his, who had the appropriate equipment for the purpose, that that dollar bank note was forged the matter was reported to the Police which visited the Metropol Hotel with the taxi driver. As soon as the appellant saw them he left his companions and hurriedly entered the public conveniences room. The Police approached him, they searched him and found on him £110, Cyprus pounds. With his consent his hotel room was searched, but nothing was found. He was then escorted to the Police. 25 30 35 40

where he made a voluntary statement in which he admitted to have committed three similar offences, those that are the subject of the three charges, which he ultimately asked to be taken into consideration. He also led the Police to the bath-room of his hotel room and there he showed to them nine forged 100 U.S. dollar notes.

The trial Court had before it a Social Investigation Report prepared by a Welfare Officer, regarding the personal circumstances of the offender.

The offence of uttering false documents, as rightly pointed out by the Assize Court, is a serious one and its seriousness is manifested by the fact that the legislature provided for uttering such a false document a maximum term of imprisonment for life, and a lesser punishment of seven years' imprisonment, for the fourth count, i.e. possessing forged bank-notes, whereas for obtaining money by false pretences, the maximum term of imprisonment is three years.

The Assize Court in giving its reasoning for the sentences imposed, stressed every material factor that had to be weighed and taken into consideration, namely the seriousness of the offence, the personal circumstances of the appellant, that he was a first offender, and that he was co-operative with the police in making a clean breast of every offence he had committed and that he handed over the rest of the forged bank notes he had in his possession. He was in the circumstances sentenced to two years' imprisonment on the first and fourth counts and one year's imprisonment for the second and third counts, both sentences to run concurrently. The Assize Court took also into consideration the offences in the other three cases that were pending against the appellant and which he admitted to have committed.

We have found no merit in this appeal whatsoever. Forging, possessing and uttering false documents are of themselves very serious offences and in no way they should be treated in a manner that may appear to be encouraging their commission. More so, forgery of bank notes and coinage offences are not to be treated lightly.

For all the above reasons this appeal is dismissed.

40

*Appeal dismissed.*