

1987 November 27

[TRIANAFYLIDES P LORIS KOURRIS JJ]

ANTONIS SAVVA PANTELIS,

Appellant,

v

THE REPUBLIC,

Respondent

(Criminal Appeal No 4878)

Sentence — Stealing a cheque, forging a cheque and uttering a forged cheque for £580 — One year's imprisonment, two years' imprisonment and two years' imprisonment respectively for each of the above counts and activation of a suspended sentence of 4 months' imprisonment — Appellant, a good family man with two recent previous convictions for stealing by agent — The sentence, including the activation of the suspended case, is manifestly excessive — A sentence of two years' imprisonment is sufficient

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The facts of this case sufficiently appear in the judgment of the Court

Appeal allowed

Appeal against sentence.

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Appeal against sentence by Antonis Savva Pantelis who was convicted on the 15th May, 1987 at the Assize Court of Limassol (Criminal Case No. 9881/87) on one count of the offence of stealing a cheque contrary to sections 255 and 262 of the Criminal Code, Cap. 154, on one count of forgery contrary to sections 331, 333(a)(d)(i) and 366 of Cap. 154 and on one count of uttering a forged document contrary to sections 331, 333, 336 and 339 of Cap. 154 and was sentenced by Hadjitsangaris, P.D.C., Artemis, S.D.J. and Stavrinides, D.J. to one year's imprisonment on the first count and to two years' imprisonment on each of the other two counts to run concurrently. The Assize Court activated a suspended sentences of four months' imprisonment to commence after the lapse of the imprisonment imposed.

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N. Panayiotou, for the appellant.

Gl. Hjiptrou, for the respondent.

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TRIANFAYLLIDES P.: The judgment of the Court will be delivered by Kourris, J.

5 KOURRIS J.: This is an appeal against the sentences of imprisonment imposed by the Limassol Assizes on 15.5.1987 on the appellant on his own plea of guilty for the offences of (a) stealing a cheque; (b) forging it; and (c) for uttering the forged
10 2 years' imprisonment for each count respectively. The Assize Court also activated a suspended sentence of imprisonment for 4 months to commence after the lapse of imprisonment imposed for the offences before them.

15 The appellant is a young man, 26 years old, and he is a travelling salesman by occupation. In March, 1986, having stolen a cheque, he forged it purporting to have been issued in his favour for £580 by one Georghios Christoforou who was the owner of the cheque. The accused then presented the cheque to a certain Niki Orfanidou as payment against his debt of £1,300 being the value
20 of goods sold by Orfanidou to him.

According to the welfare report, the accused is a good family man.

25 The accused has two recent previous convictions; the first is stealing by agent whereby he was sentenced to £10.- fine on each count; the other again is stealing by agent, and was sentenced to 4 months' imprisonment suspended for 3 years.

30 The trial Court in passing sentence on the appellant, knew that he had a previous conviction with a suspended sentence of imprisonment which they intended to activate and in point of fact they did activate it.

In the circumstances, we think that the sentence, including the activation of the suspended sentence of 4 months' imprisonment, is manifestly excessive and that one of two years' imprisonment is sufficient punishment for the appellant.

35 We allow the appeal and we set aside the sentence of 4 months' imprisonment which was activated by the Assize Court, as manifestly excessive.

In the result, the appeal is, therefore, allowed accordingly.

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*Appeal allowed
accordingly.*