

The Plaintiff applied to the District Court to set aside the judgment on the ground that he had been prevented from prosecuting his claim owing to surprise or accident within the meaning of Rule 1 of Order XVII of the Rules of Court, 1886. The District Court refused the application with costs. The Plaintiff then appealed to the Supreme Court against the original judgment dismissing the action.

HELD: That there being no appeal against the order of the District Court refusing to set aside the judgment such order was final and debarred the Appellant from succeeding in the appeal against the original judgment.

[TYSER, C.J. AND FISHER, J.]

February 26, 1916.

REX

v.

PANAYOTI YANKOU.

CRIMINAL PROCEDURE—CYPRUS COURTS OF JUSTICE ORDER, 1882, CLAUSE 124.

An accused person who has made a statement under the provisions of Clause 124 of the Cyprus Courts of Justice Order, 1882, must not be asked questions as to matters affecting his credit or character by the prosecuting officer, even though in the course of his statement he has endeavoured to establish his own good character.

[TYSER, C.J. AND FISHER, J.]

March 10, 1916.

THE COMMITTEE OF THE ARMENIAN CHURCH, NICOSIA

v.

ERANOUCHESSAIAN AND OTHERS.

CIVIL PROCEDURE—APPEAL—"JUDGMENT" OR "ORDER"—ORDER XXI,
RULES 7, 8.

An appeal from a decision by a Judge of a District Court on a review of taxation by the Registrar of costs awarded by a judgment of a District Court, subject to taxation, is an appeal from an order and is subject to the provisions of Rule 8 of Order XXI.

[TYSER, C.J. AND FISHER, J.]

April 28, 1916.

POLICE

v.

YONA CHRISTO.

CRIMINAL PROCEDURE—MAGISTERIAL COURTS—CONVICTION QUASHED FOR
UNCERTAINTY.

The accused was brought before a Magisterial Court on a summons containing two charges, viz.: (1) theft; (2) possession of property reasonably suspected of being stolen. To these charges he pleaded not guilty and he was remanded. On being again brought before the Magistrate he made a statement which the Magistrate treated as a plea of guilty and, without hearing any evidence, sentenced the accused to a term of imprisonment.

There was no formal conviction and nothing on the record to show of which of the two charges the accused had been convicted.

HELD: That the conviction must be set aside for uncertainty.