

IOANNIS GREGORIOU IOANNOU,

*Appellant,*

v.

THE POLICE,

*Respondents.*

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IOANNIS  
GREGORIOU  
IOANNOU  
v.  
THE POLICE

(*Criminal Appeal No. 3267*).

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*Criminal Procedure—Appeal—Default of appearance at the hearing of appeal of the Appellant or his counsel—Power of the Court to consider the appeal and make such order thereon as it deems fit—Criminal Procedure Law Cap. 155, section 143(3).*

*Appeal—Default of appearance of Appellant or his counsel at the hearing of appeal—See supra.*

*Trial in criminal cases—Appeal—Absence of Appellant—See supra.*

*Sentence—Though a severe one not interfered with.*

*Road Traffic—Careless driving—Section 6 of the Motor Vehicles and Road Traffic Law Cap. 332—Sentence—Fine in the sum of £40.—Disqualification for six months to hold or obtain a driver's licence—Sentence though a severe one for a professional driver, like the Appellant, not interfered with in view of the seriousness of the case and the previous convictions of Appellant.*

*Per curiam:* It is most important that all those who are driving vehicles of any kind, and particularly those who are entrusted with the driving of vehicles conveying passengers, should be made to realise that it is absolutely necessary that they should be as careful as possible while driving, so as to contribute to rendering the road safer for all their users.

In the absence of the Appellant and his counsel, the Court considered this appeal against conviction and sentence under its powers under section 143(3) of the Criminal Procedure Law Cap. 155; and dismissed the appeal on its merits. The facts sufficiently appear in the judgment of the Court.

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IOANNIS  
GREGORIOU  
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THE POLICE

**Appeal against conviction and sentence.**

Appeal against conviction and sentence by Ioannis Gregoriou Ioannou who was convicted on the 8th June, 1971 at the District Court of Famagusta (Criminal Case No. 1066/71) on one count of the offence of driving a motor omnibus without due care and attention contrary to section 6 of the Motor Vehicles and Road Traffic Law, Cap. 332 and was sentenced by Papaioannou Ag. D.J. to pay a fine of £40.— and he was further disqualified from holding or obtaining a driver's licence for a period of six months.

No appearance for the Appellant.

*A. Frangos*, Senior Counsel of the Republic, for the Respondents.

The judgment of the Court was delivered by:

TRIANTAFYLLIDES, P.: The Appellant has, though duly notified through his counsel, failed to appear today to support his appeal; nor has counsel appeared on his behalf.

In view of the provisions of section 143(3) of the Criminal Procedure Law, Cap. 155, we had, nevertheless, to consider the appeal and make such order thereon as we deemed fit.

Having heard counsel for Respondents we are of the view that this appeal should be dismissed both as regards the conviction of the Appellant—in respect of the offence of driving without due care and attention an omnibus, contrary to section 6 of the Motor Vehicles and Road Traffic Law, Cap. 332—and as regards the sentence of £40 fine and disqualification from holding a driver's licence for six months which was imposed on the Appellant for such offence.

The grounds of appeal relating to the Appellant's conviction concern findings of fact which appear to us to have been warranted by the evidence adduced before, and accepted as credible, by the trial Court.

Regarding the question of sentence it is, indeed, a severe sentence for a person like the Appellant who is a professional driver; but this is a serious case involving a violent collision, between two vehicles conveying passengers, which occurred in the centre of the town of Famagusta, due largely to the fact

that the Appellant was driving at an excessive speed and did not halt at traffic lights which were against him.

Moreover, the Appellant is a person who has six previous convictions of a similar nature.

It is most important that all those who are driving vehicles of any kind, and particularly those who are entrusted with the driving of vehicles conveying passengers, should be made to realize that it is absolutely necessary that they should be as careful as possible while driving, so as to contribute to rendering the roads safer for all their users.

*Appeal dismissed*

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