

1972

Nov. 7

HASSAN AHMET

v.

THE POLICE

[TRIANTAFYLLIDES, P., STAVRINIDES, HADJIANASTASSIOU, JJ.]

HASSAN AHMET,

*Appellant,*

v.

THE POLICE,

*Respondents.*

(Criminal Appeal No. 3380).

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*Road Traffic—Sentence—Forty-five days' imprisonment for failing to stop at the scene of an accident—Regulations 61(1) and 66 of the Motor Vehicles Regulations, 1959–1970 and section 13 of the Motor Vehicles and Road Traffic Law, Cap. 332—Though sentence of imprisonment not wrong in principle reduced to a lesser term because of Appellant's personal circumstances and because it was imposed together with a nine months' disqualification.*

*Sentence—Personal circumstances—Sentence of imprisonment for failing to stop at the scene of an accident—Though not wrong in principle reduced to a lesser term because of Appellant's personal circumstances—See, also, under "Road Traffic" above.*

**Appeal against sentence.**

Appeal by Hassan Ahmet against a sentence of 45 days' imprisonment imposed on him by the District Court of Limassol (Kronides, D.J.) on the 2nd November, 1972 upon his conviction of the offence of failing to stop at the scene of an accident contrary to regulation 61(2) of the Motor Vehicles Regulations 1959–1970.

*M. Aziz*, for the Appellant.

*N. Charalambous*, Counsel of the Republic, for the Respondents.

The judgment of the Court was delivered by:—

TRIANTAFYLLIDES, P.: On the night of the 5th to the 6th October, 1972, the Appellant, driving a motor-car in Limassol

with only a learner's driving licence, and with no one possessing a regular driving licence being with him, knocked down and injured a pedestrian.

1972  
Nov. 7

—  
HASSAN AHMET  
v.  
THE POLICE

It is not disputed that the collision took place through the negligence of the Appellant. The Appellant failed to stop at the scene of the accident and also failed to report the accident to the police. He pleaded guilty to driving without due care and attention, to driving in breach of the conditions of his learner's licence and to failing to stop at the scene of the accident.

On the 2nd November, 1972, he was sentenced to pay a fine of £25 regarding the first offence, a fine of £10 regarding the second offence, and to 45 days' imprisonment regarding the third offence, and he was disqualified from holding or obtaining a driver's licence for nine months.

He has appealed today only as regards the sentence of imprisonment. The offence in respect of which the imprisonment was imposed has been described in the relevant count as failing to report an accident to the police, contrary to regulations 61 (1) (2) and 66 of the Motor Vehicles Regulations, 1959-1970, and section 13 of the Motor Vehicles and Road Traffic Law, Cap. 332; but it is to be noted from the particulars stated in such count that he was charged thereby with two offences, namely failing to stop, contrary to regulation 61(1), and failing to report an accident to the police, contrary to regulation 61(2). As from the contents of the judgment of the Court below it appears that he was punished only for failing to stop at the scene of the accident, we are going to deal with this appeal on that footing.

We agree with counsel for the Respondents that this kind of offence is a serious one; and the circumstances of the case disclose no mitigating factors. The accident took place at night; there was, as it was conceded by counsel for the Appellant, nobody to assist the complainant, who was seriously wounded, and yet the Appellant failed to stop; he attempted apparently, to escape the consequences of his unlawful conduct. We, therefore, are of the view that a sentence of imprisonment in this case was not wrong in principle.

Counsel for the Appellant has submitted that the period of imprisonment was manifestly excessive. It is true that the

1972  
Nov. 7  
—  
HASSAN AHMET  
v.  
THE POLICE

Appellant is a first offender. He is married, and he is an electrical engineer working as a contractor. Taking into account the personal circumstances of the Appellant, and also taking into account that the imprisonment for failing to stop after the accident was imposed together with a punishment of disqualification from obtaining or holding a driving licence, we consider that a sentence of two weeks' imprisonment would be sufficient to punish the Appellant for failing to stop and to serve as a warning to others who might be inclined to behave in a similar manner. As a result this appeal is allowed, the sentence being reduced to two weeks' imprisonment as from the 2nd November, 1972.

*Appeal allowed.*