

STAVROS IOSIF STAVROU,

Appellant.

STAVROS IOSIF
STAVROU

v.

v.

THE REPUBLIC

THE REPUBLIC,

Respondent.

(*Criminal Appeal No. 3287*).

Sentence—Young offender—Breaking and entering a shop and stealing therefrom—Need for social investigation report—Sentence of one year's imprisonment not excessive, especially as the Appellant has a previous conviction for house-breaking in respect of which he was sentenced to imprisonment for two years—Appeal against sentence dismissed—Sentence to run from the date of conviction.

Young Offender—Social investigation report—Sentence—See supra.

Cases referred to:

Ioannou v. The Police (1970) 2 C.L.R. 36.

Appeal against sentence.

Appeal against sentence by Stavros Iosif Stavrou who was convicted on the 12th October, 1971 at the Military Court sitting at Nicosia (Case No. 136/71) on one count of the offence of shop-breaking and stealing contrary to section 294(a) of the Criminal Code Cap. 154 and section 5 of the Military Criminal Code and Procedure Law, 1964 and was sentenced to one year's imprisonment.

L. Papaphilippou, for the Appellant.

A. Korfiotis, for the Respondent.

The judgment of the Court was delivered by:—

TRIANTAFYLIDIS, P.: This appeal has been made against the sentence of one year's imprisonment which was passed on the Appellant by a Military Court on his conviction on the 12th October, 1971, on a count charging him with breaking and entering a shop and stealing therefrom, contrary to section

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294(a) of the Criminal Code (Cap. 154) and section 5 of the Military Criminal Code and Procedure Law, 1964 (Law 40/64).

The offence was committed at night on the 5th June, 1971, and the shop which was broken into was the recreation centre of the National Guard Unit in which the Appellant is serving.

On the 2nd December, 1971, the hearing of this appeal was adjourned to today so that we could have before us a social investigation report concerning the Appellant, which report was not before the Military Court when it passed the sentence on him. In view of the fact that though the Appellant is very young in age he has already a bad criminal record, a social investigation report would have been very useful in order to enable the Military Court to have before it the full history of the life of the Appellant and the reasons for which he has become an antisocial person (for relevant case-law see *Ioannou v. The Police* (1970) 2 C.L.R. 36).

Having weighed all that has been submitted by learned counsel for the Appellant we have reached the conclusion that, even though the Military Court did not have before it a social investigation report, the sentence passed on the Appellant could not, in the circumstances, be found to be excessive, especially as the Appellant had a previous conviction for housebreaking in respect of which he was sent to prison for two years; also, we take the view that the sentence appealed from will benefit the Appellant by reforming his character, as such reform appears to have already commenced due to a favourable change of the family circumstances of the Appellant.

In the light of the foregoing this appeal is dismissed but, in view of all the circumstances concerning the Appellant, we have decided, in the exercise of our powers under section 147(1) of the Criminal Procedure Law (Cap. 155) that the sentence should run from the date of conviction.

Appeal dismissed.