

# CASES

DECIDED BY

## THE SUPREME COURT OF CYPRUS

IN ITS ORIGINAL JURISDICTION AND ON APPEAL  
FROM THE ASSIZE COURTS AND DISTRICT COURTS

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

PANAYIOTIS THEODOSSIOU,

*Appellant,*

v.

THE POLICE,

*Respondents.*

1974

Jan. 10

—  
PANAYIOTIS  
THEODOSSIOU

v.

THE POLICE

(*Criminal Appeal No. 3531*).

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*Criminal Law—Sentence—Driving public service vehicle without road service licence—£50 fine—Mitigating factors—More weight should have been given to the fact that Appellant's application for a licence has not been dealt with in a final manner for a period of over one year and a half—Fine reduced.*

*Motor Transport Regulation Law, 1964—Driving public service vehicle without road service licence—Section 7(1)(6) of the Law—Sentence of £50 fine—Mitigating factors.*

The Appellant appealed against a sentence of £50 fine which was imposed on him on the 20th September, 1973 in respect of the offence of driving a public service vehicle without a road service licence.

It was not disputed that on the 28th July, 1972 the Appellant applied for a road service licence, but his application had not been dealt with in a final manner by the time of the hearing of the appeal.

1974  
Jan. 10  
—  
PANAYIOTIS  
THEODOSSIOU  
v.  
THE POLICE

*Held*, it is, really, incompatible with the notion of good administration that Appellant's application for a licence, has not been dealt with in a final manner for a period of over a year and a half; and we only show our serious concern for such a situation, and the strong importance we attach thereto as a mitigating factor, by reducing by half (to £25) the fine that the Appellant was ordered to pay.

*Appeal allowed.*

**Appeal against sentence.**

Appeal against sentence by Panayiotis Theodossiou who was convicted on the 22nd November, 1973 at the District Court of Larnaca (Criminal Case No. 7095/73) on one count of the offence of driving a public service vehicle without a road service licence contrary to section 7 (1) (6) of the Motor Transport Regulation Law, 1964 (Law 16/64) (as amended) and was sentenced by Artemides, D.J. to pay a fine of £50.

*A. Panayiotou*, for the Appellant.

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

The judgment of the Court was delivered by:-

TRIANAFYLLIDES, P.: The Appellant has appealed against the sentence of £50 fine which was imposed on him in respect of the offence of driving, on the 20th September, 1973, on a road in the Larnaca District, a public service vehicle without a road service licence.

When this sentence was passed upon him there were taken into consideration, at his own request, another twenty-four similar offences concerning the same vehicle.

As it was stated before the learned trial Judge, who, actually, took this factor into account, the vehicle in question, is a bus and was being used for the fulfilment of contractual obligations of the Appellant, which came into force on the 19th August, 1972, and are to last for three years as from such date. It is not disputed that on the 28th July, 1972, the Appellant applied for a road service licence, in order to be able to use lawfully the vehicle concerned in relation to his aforesaid contractual obligations, but until today he has not received any official

reply to that application of his. This most unfortunate situation was, indeed, taken into account by the trial Judge, as a mitigating factor, but we agree with counsel for the Respondents who has, very fairly, stated that more weight should have been given to it by the trial Judge when considering what was the appropriate sentence in the present case.

1974  
Jan. 10  
—  
PANAYIOTIS  
THEODOSSIOU  
v.  
THE POLICE

It is, really, incompatible with the notion of good administration that an application for a licence, such as that of the Appellant, has not been dealt with in a final manner for a period of over a year and a half; and we can only show our serious concern for such a situation, and the strong importance we attach thereto as a mitigating factor, by reducing by half (to £25) the fine that the Appellant was ordered to pay. We cannot agree with counsel for the Appellant that we should discharge absolutely the Appellant; it must not be overlooked that nobody is entitled to disregard the provisions of legislation in force and so, as no licence was granted to the Appellant, he was not entitled to embark upon a course of continuous unlawful conduct, irrespective of his feeling, justifiably, that the matter of his application for a licence was being kept pending by the appropriate authority for an inordinate length of time. He could have resorted to the legal remedy available to him in respect of the omission to deal in time with his application.

The appeal is allowed in part and the fine payable by the Appellant is reduced from £50 to £25.

*Appeal allowed.*