

1976 May 27

[HADJIANASTASSIOU, A. LOIZOU AND MALACHTOS, JJ.]

PLATON K. SOLOMONIDES AND ANOTHER,

*Appellants.*

v.

THE POLICE.

*Respondents.*

*(Criminal Appeals Nos. 3712–3713).*

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*Criminal Procedure—Criminal proceedings—Property coming into the possession of the Police in connection with—Disposal of—Who can claim such property—Section 170 of the Criminal Procedure Law, Cap. 155.*

5       Following the conviction of the accused in certain criminal cases of offences of stealing and housebreaking, the appellants, who were complainants in one of these cases, applied that some of the stolen articles which were recovered be given to them. These articles belonged to an unknown person but appellants  
10       claimed them as a reward because they have captured the culprit. The trial Court dismissed the application having held that appellants could not be considered as claimants of the property and, therefore, they had no locus standi in the application (see s. 170 of the Criminal Procedure Law, Cap. 155).

15       *Upon appeal:*

*Held*, that there is no merit at all in the appeals and this Court has no alternative but to dismiss them.

*Appeals dismissed.*

**Appeals.**

20       Appeals by Platon K. Solomonides and Another against the decision of the Assize Court of Limassol whereby it was decided that they cannot be considered as being claimants of the valuables stolen by the accused in Criminal Case No. 15935/75.

Appellants appeared in person.

25       *Gl. Michaelides*, for the respondents.

HADJIANASTASSIOU J. gave the following judgment of the Court. These are appeals by the appellant Platon K. Solomonides and his wife by which they attack the decision of the Criminal Assize Court of Limassol on the ground that the said appellants cannot be considered as being claimants of the valuables in question and that the finding of the Court that they have no locus standing is unlawful and legally wrong. 5

*The Facts*

It has been stated by the Prosecution in Criminal Case No. 15927/75, and it was taken into consideration, that certain articles were recovered and that others belonging to the complainants, Platon K. Solomonides and his wife, were not recovered. 10

The Assize Court after sentencing the convict proceeded to say that the property of the complainants in all cases, where the complainants were known to be returned to the owners. Furthermore the order went on to say that the owners of moneys and articles referred to in these cases which have not been recovered are at liberty to pursue a civil remedy against the convict in connection with such property. 15 20

In particular for Criminal Case No. 15935/75 there was a direction to the effect that the provisions of s. 170 of CAP. 155 to be applied. The applicants in the present case are the complainants in Criminal Case No. 15927/75 taken into consideration in passing sentence in Case No. 13873/75. The valuables claimed are those set out in index of Limassol Criminal Case No. 15935/75, as well as in the supplementary affidavit of the applicants in the present Application dated 20th January, 1976. 25

The applicants in the present application made it abundantly clear that the valuables claimed as aforesaid do not belong to them, and it is crystal clear that the valuables referred to in Case No. 15935/75 belong to an unknown person. These articles are kept by the Police and as it was stated today before the Court the Police will apply in due course to the Court for directions. 30 35

Furthermore, the Court stated that s. 170 of CAP. 155 provides that an application to the Court may be made either by a

person claiming the property or by the Police. In this particular application both applicants do not come forward and say "These articles are our property", in fact they say the contrary and they say "They belong to an unknown person but we claim them as a reward because we have captured the culprit".

Finally the Court in dismissing the application said that they found no merit at all and the application is dismissed accordingly.

*Appeal*

10 On appeal we have considered the argument of the appellants and the least we can say is that the appellants have wasted not only the time of the first instance Court but also the time of the Court of Appeal. Indeed, we would go further and state that there is no merit at all in the present appeals and we have no  
15 alternative but to dismiss them.

*Appeals dismissed.*