

1954
June 2

COSTAS
LOUCA
LATTA
v.
POLICE.

[HALLINAN, C.J., AND GRIFFITH WILLIAMS, J.]
(June 2, 1954)

COSTAS LOUCA LATTA, *Appellant,*

v.

THE POLICE, *Respondents.*

(*Criminal Appeal No. 1973*)

*Additional sentence upon appeal—Driving a motor car when drunk—
Disqualification for life from holding licence.*

The appellant was convicted of driving a motor car while drunk and sentenced to twelve months imprisonment. He had an extremely bad record including many previous convictions for drunkenness, and reckless driving when drunk. On two occasions people had been killed due in whole or in part to his negligence.

Held: Upon an appeal against sentence, the sentence of 12 months' imprisonment was confirmed and in addition the appellant was disqualified for life from holding a licence.

Appeal by accused from the judgment of the District Court of Larnaca (Case No. 3257/53).

P. N. Paschalis for the appellant.

L. Loizou, Crown Counsel, for the respondents.

Judgment was delivered by :

HALLINAN, C.J. : In this case the appellant was charged for driving a motor car while drunk, for another minor offence and for causing the death of a person by driving a car negligently. The trial Court found him guilty of driving a motor car while drunk and sentenced him to one year's imprisonment. The Court, although it was satisfied that his negligence had contributed materially to the death, felt that the nexus of cause and effect was not sufficiently clearly proved, and found him not guilty of causing the death of the person on the road.

Counsel for the appellant has made a point that the trial Court when considering sentence took into account that his action and his negligence had helped towards the fatality. In our opinion that was not an improper consideration ; the judge was merely adverting to the fact that drunkenness while in charge of a motor car can contribute towards death on the road, and therefore it is a very serious offence.

Now, this man, the appellant, has an extremely bad record: he has 47 previous convictions covering a period of 22 years. Not only has he numerous convictions for dishonesty and

for violence, but also six convictions for drunkenness and six convictions for driving furiously, recklessly and when drunk. Not only was he drunk on the occasion in June which is the subject-matter of this case, but at the end of 1945 he was convicted for driving while drunk. On that occasion in June, a person was killed, at least partly as the result of his negligence. Two months later, in August, again due to his negligence, three people were killed, and he was sentenced on the 22nd January, 1954, for this offence, to four months' imprisonment and was disqualified from holding a licence for five years.

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Not only has the appellant this appalling record but we must also remember that negligent driving which causes death is a prevalent offence in this country. We consider that the appellant only gets his merits and the public can only be protected and future offenders deterred by imposing an additional penalty to the sentence which has already been imposed on him.

We confirm the sentence of 12 months' imprisonment and in addition the appellant will be disqualified for life from holding a licence to drive a motor car.

[HALLINAN, C.J., AND ZEKIA, J.]
(June 8, 1954)

LOUKIS KYTHREOTIS, *Appellant*,
v.
IOANNIS KOLAKIDES, *Respondent*.
(*Civil Appeal No. 4090*)

1954
June 8
LOUKIS
KYTHREOTIS
v.
IOANNIS
KOLAKIDES.

Increase of Rent (Restriction) Law, Cap. 108—Validity of consent order—Termination of statutory tenancy—Effect on sub-tenant.

The plaintiff leased certain premises to Trehandiris who later became a statutory tenant and as such sub-let in 1949 to the defendant. Trehandiris' tenancy was terminated by an order of the Court made with Trehandiris' consent in October 1952 and Trehandiris vacated the premises in March or April, 1953. The plaintiff sued to eject the defendant. The trial Court delivered judgment on 29th March, 1954, allowing the plaintiff's claim.

Upon appeal,

Held: (1) The consent order terminating Trehandiris' tenancy was valid. (*Middleton v. Baldock*, 1950, 1 A.E.R. 208 followed).

(2) Under the Increase of Rent (Restriction) Law, Cap. 108, which was in force when the trial Court made the order the subject of this appeal, the sub-tenancy terminated when Trehandiris' tenancy terminated, and the defendant thereupon became a trespasser. *Secus* had the effect of section 24 of the Rent Control Law, No. 13 of 1954, (which came into operation on the 13th March, 1954) been retrospective.

Appeal dismissed.