

# CASES

DECIDED BY

## THE HIGH COURT OF JUSTICE OF CYPRUS

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

[WILSON, P., ZEKIA, VASSILIADES AND JOSEPHIDES, JJ.]

GEORGHIOS N. PIKATSAS,

*Appellant,*

*v.*

THE POLICE,

*Respondents.*

1963  
Jan. 8,  
22, 29

GEORGHIOS N.  
PIKATSAS  
v  
THE  
POLICE

*(Criminal Appeal No. 2582).*

*Criminal Law—Sentence—Appeal against sentence—Possessing Indian hemp, contrary to sections 8 (b) and 22 (2) of the Dangerous Drugs Law, Cap. 248—Sentence of two years' imprisonment set aside—Probation order for eighteen months instead—On certain conditions including medical treatment of the appellant who was a drug addict.*

*Criminal Procedure—Before giving judgment, the High Court asked for and obtained a Probation Report and a Medical Report in respect of the appellant.*

The appellant, who was a drug addict, was convicted of possessing prepared Indian hemp, contrary to sections 8 (b) and 22 (2) of the Dangerous Drugs Law, Cap. 248. He was sentenced to two years' imprisonment. He appealed against that sentence, and the High Court, after considering a medical report as well as a report of the Probation Officer, set aside the sentence of imprisonment and substituted therefor a probation order for eighteen months under certain special requirements.

*Appeal allowed. Sentence of two years' imprisonment set aside. A Probation order for eighteen months on certain terms substituted therefor.*

### **Appeal against sentence.**

The appellant was convicted on the 28th November, 1962, at the District Court of Nicosia (sitting at Morphou)

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(Cr. Case No. 1596/62) on one count of the offence of possessing prepared Indian hemp contrary to ss. 8 (b) and 22 (2) of the Dangerous Drugs Law, Cap. 248 and was sentenced by Loris, D.J., to two years' imprisonment.

C. *Adamides* for the appellant.

V. *Aziz* for the respondents.

Offence : Possessing 0.1 g. of prepared Indian hemp, contrary to sections 8 (b) and 22 (2) of the Dangerous Drugs Law, Cap. 248.

Sentence : Two years' imprisonment.

The judgment was delivered by :

WILSON, P. : We have decided to defer giving our judgment in this case and we will arrange a date in the near future to continue the appeal.

In the meantime, Mr. Aziz, while this man will be in custody, we would like to have a Probation Report in respect of him and, if it is possible, we would like to have a medical report as to whether he can undergo a course of treatment to win him away from the use of drugs. It seems that he is a drug addict and we would like, if possible, to use our power of sentence in a constructive way to assist him to get away from the use of drugs. We do not know if it is possible but we hope the information requested will assist us to impose a penalty which will be in the interest of the public and also in the interests of rehabilitating the accused. We would like to have it before we dispose of this case.

We will adjourn it to Tuesday, 22nd January, 1963.

*22nd January, 1963.*

WILSON, P. : This is a case which causes some considerable difficulty due to the mentality and the experience of the accused. We are very much interested in the proposal made by the doctor and we are of the opinion that this man, who has served almost two months' imprisonment, should be released on probation and that the terms of the probation should be worked out by Counsel for the Republic, the doctor and a probation officer to give effect to the recommendation of the doctor for treatment.

We are adjourning the further hearing of this appeal until 10 a.m. on Tuesday next and on that day a plan of the terms on which the probation is recommended should be submitted to us in accordance with the views we have just expressed.

My brother, Mr. Justice Zekia, has pointed out something which I omitted to say and that is that the appellant must of course say whether he is prepared to co-operate with the performance and the carrying out of the proposed plan which will involve among other things his submission to medical treatment. His consent would probably be necessary in order that it may be carried out. His consent to the whole plan is also necessary and on Tuesday next your client should be ready to say whether he will be willing to co-operate.

Accused to be in custody in the meantime.

29th January, 1963.

WILSON, P. : We have taken into account that the appellant has been in custody since November 28, 1962 and that he kept out of trouble between 1956 and 1962. We think that the probation period of 18 months from to-day will be proper in this case.

The sentence imposed by the trial Court is set aside and in the place of it this Court makes a probation order for a period of 18 months from and including to-day under the following special requirements :

1. The appellant will carry out the directions of the Probation Officer as to his conduct and mode of living.

2. The appellant will reside at his village, Loutros, or as may be arranged with the approval of the Probation Officer from time to time.

3. The appellant will work within the area supervised by the Morphou Probation Officer.

4. The appellant will visit the Supervising Probation Officer as he may be required from time to time.

5. During the first two months of the probation order the appellant to report to Dr. Papanicolaou or his substitute for treatment once every week as it may be arranged from time to time by the Supervising Probation Officer and to comply strictly with the Doctor's directions regarding treatment during the whole of the probation period.

6. The supervising court will be the District Court of Nicosia. The appellant will be under the jurisdiction of the Judge at Morphou.

*Appeal allowed. Sentence of two years' imprisonment set aside. A Probation order for eighteen months on certain terms substituted therefor.*

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