

COSTAS CHRISTOU CHRISTOFAKIS,

Appellant,

v.

THE POLICE,

Respondents.

COSTAS
CHRISTOU
CHRISTOFAKIS
v.
THE POLICE

(Criminal Appeals Nos. 2617 and 2618)

Criminal Law—Sentence—Costs—Costs as a usual rule should not be assessed against the accused when he is sentenced to a term of considerable period of imprisonment, unless he is a well-to-do person and able to pay.

The appellant was convicted of various offences and sentenced to various terms of imprisonment. He was sentenced also to pay the costs of the prosecution. On appeal against conviction and sentence, the High Court allowing the appeal as to the costs only :

Held : We are of opinion that, as a usual rule, costs must not be assessed against the accused when he is sentenced to a term of considerable period of imprisonment, unless he is a well-to-do person and able to pay which the accused in these two cases is not.

Appeals against conviction dismissed. Appeals against sentence allowed as to the costs only.

Appeal against conviction and sentence. (Criminal Appeal No. 2617).

The appellant was convicted on the 6th February, 1963, at the District Court of Limassol (Criminal Case No. 10981/62) on four counts of the offences of: 1. Assault aggravated, contrary to s. 243 of the Criminal Code, Cap. 154 ; 2. Public insult, contrary to s. 99 of the Criminal Code, Cap. 154 ; 3. Drunkenness, contrary to s. 94 (1) of the Criminal Code, Cap. 154 ; 4. Failing to produce his identity card on demand by a Police Officer on duty contrary to ss. 11 (1) and 19 (1) of the Registration of Residents Law, Cap. 85, and was sentenced by Limnatis, D.J., to six months' imprisonment on count 1 ; one month's imprisonment on count 2 ; two months' imprisonment on count 3 (the sentences to run concurrently) ; £1 fine on count 4 ; and £1.300 mils costs.

Appellant in person.

V. Aziz for the respondents.

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Appeal against conviction and sentence. (Criminal Appeal No. 2618).

The appellant was convicted on the 7th February, 1963, at the District Court of Limassol (Criminal Case No. 13298/62) on six counts of the offences of: 1. Assault aggravated, contrary to s. 243 of the Criminal Code, Cap. 154 ; 2. Public insult, contrary to s. 99 of the Criminal Code, Cap. 154 ; 3. Assaulting Police, contrary to s. 244 (b) of the Criminal Code, Cap. 154 ; 4. Drunkenness contrary to s. 94 (1) of the Criminal Code Cap. 154 ; 5. Disturbance, contrary to s. 95 of the Criminal Code, Cap. 154 ; 6. Failing to notify forthwith the Registration Authority and make application for the issue of replacement identity card, contrary to s. 10 (1) (2) (4) of the Registration of Residents Law Cap. 85, and was sentenced by Limnatis, D.J., to six months' imprisonment on count 1 ; one month's imprisonment on count 2 ; nine months' imprisonment on count 3 ; one month's imprisonment on count 4 ; one month's imprisonment on count 5 (sentences to run concurrently) ; £1 fine or 7 days' imprisonment on count 6 ; and £3 costs.

Appellant in person.

V. Aziz for the respondents.

The judgment of the Court was delivered by :

WILSON, P. : We are of the opinion that, as a usual rule, costs are not assessed against the accused when he is sentenced to a term of considerable period of imprisonment unless he is a well-to-do person and able to pay the costs which the accused in these two cases is not. For this reason we think that the appeal against the sentence will be allowed as to the costs only and the remainder of the appeal will be dismissed. The evidence amply justified the trial Judge in making the conviction against the accused.

We are also of the opinion that the fine is not excessive.

The sentence will run from the date of conviction.

Appeals against conviction dismissed. Appeals against sentence allowed as to the costs only.

Note.—(A) Criminal Appeal 2617.

OFFENCES :

1. Assault Aggravated, contrary to section 243 of the Criminal Code, Cap. 154.

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2. Public Insult, contrary to section 99 of the Criminal Code, Cap. 154.

3. Drunkenness, contrary to section 94(1) of the Criminal Code, Cap. 154.

4. Failing to produce his identity card on demand by a Police Officer on duty contrary to sections 11 (1) and 19 (1) of the Registration of Residents Law, Cap. 85.

SENTENCE :

Six months' imprisonment on count 1.

One month's imprisonment on count 2.

Two months' imprisonment on count 3.

(Sentences of imprisonment to run concurrently).

£1 fine or 7 days' imprisonment on count 4.

£1.300 mils costs or 8 days' imprisonment.

Note.—(B) Criminal Appeal 2618.

OFFENCES :

1. Assault Aggravated, contrary to section 243 of the Criminal Code, Cap. 154.

2. Public Insult, contrary to section 99 of the Criminal Code, Cap. 154.

3. Assaulting Police, contrary to section 244 (b) of the Criminal Code, Cap. 154.

4. Drunkenness, contrary to section 94(1) of the Criminal Code, Cap. 154.

5. Disturbance, contrary to section 95 of the Criminal Code, Cap. 154.

6. Failing to notify forthwith the Registration Authority and make application for the issue of replacement identity card, contrary to section 10 (1) (2) (4) of the Registration of Residents Law, Cap. 85.

SENTENCE :

Six months' imprisonment on count 1.

One month's imprisonment on count 2.

Nine months' imprisonment on count 3.

One month's imprisonment on count 4.

One month's imprisonment on count 5.

(Sentences of imprisonment to run concurrently).

£1 fine or 7 days' imprisonment on count 6.

£3 costs or 20 days' imprisonment.