

1965
March 19

[ZEKIA, P., TRIANTAFYLIDIS AND JOSEPHIDES, JJ.]

THE ATTORNEY-
GENERAL
OF THE
REPUBLIC
v.
PHEDIAS
THEOFANOUS

THE ATTORNEY-GENERAL OF THE REPUBLIC,
Appellant,
v.
PHEDIAS THEOFANOUS,
Respondent.

(Criminal Appeal No. 2757)

Customs Management Law Cap. 315—Possessing privileged goods contrary to sections 209 and 201 thereof (as amended)—Insufficiency of sentence imposed by trial Court—Sentence increased on appeal.

Sentence—Defrauding Revenue—Trial Courts may impose imprisonment even in cases of first offenders.

The respondent was charged with possessing privileged goods without being an entitled person contrary to sections 209 and 201 of the Customs Management Law, Cap. 315, as amended by sections 14 (2) (ξ) and 11 (σ) of Law 26/61. The said goods were 299 packets of 20 cigarettes each marked "NAAFI Stores" on which the import duty amounted to £55.230 mils. On his own plea he was convicted and sentenced to pay a fine of £20 and the goods described in the charge were forfeited to the Republic. On appeal by the Attorney-General against the inadequacy of sentence on the ground that the sentence of the trial Court was manifestly insufficient viewing the seriousness and prevalence of the offence the Supreme Court in allowing the appeal--

Held, (1) there is no doubt that defrauding the revenue is a serious offence and trial Courts may even in cases of first offenders impose imprisonment.

(2) Bearing in mind that the respondent is not a rich man, rather a poor man, with children, and having a brother in the services, and that he supports his family as well, we are content with increasing the fine from £20 to £50.

Appeal allowed. Sentence of Court below set aside. New sentence entered as aforesaid.

Appeal against sentence.

Appeal by the Attorney-General of the Republic against the inadequacy of the sentence imposed on the respondent who was convicted on the 12th February, 1965 at the District Court of Nicosia (Criminal Case No 673/65) on one count of the offence of possessing privileged goods without being an entitled person, contrary to sections 209 and 201 of the Customs Management Law Cap 315, as amended by sections 14 (2) (ξ) and 11 (σ) of Law 26/61 and was sentenced by Demetriou D.J. to pay a fine of £20 and the goods described in the charge were ordered to be forfeited to the Republic

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A Frangos, counsel of the Republic, for the appellant.

C. J Myrianthis, for the respondent.

The judgment of the Court was delivered by .

ZEKIA, P : We have considered this case There is no doubt that defrauding the revenue is a serious offence Even in cases of first offenders, a trial Court, in certain cases may very properly impose a sentence of imprisonment In the circumstances of your case, bearing in mind that you are not a rich man, rather a poor man, with children, and having a brother in the Services, and that you support his family as well, we are content with increasing the fine from £20 to £50 ; and we give you the chance to pay it within two months and if you fail to pay you will go to prison for two months instead

*Appeal allowed Sentence of
Court below set aside New
sentence to be entered as
aforesaid*