

1966  
Sept. 9

[VASSILIADES, AG. P., TRIANTAFYLLIDES AND JOSEPHIDES, JJ.]

NEDI  
CHARALAMBOUS  
v.  
THE MUNICI-  
PALITY OF  
NICOSIA

NEDI CHARALAMBOUS,

*Appellant,*

v.

THE MUNICIPALITY OF NICOSIA,

*Respondent.*

(Criminal Appeal No. 2830)

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*Trial in Criminal Cases—Appeals—Appeals from rulings or decisions made in the course of criminal trials—Undesirable—Principles laid down in Christofidou v. Nemitsas (1963) 2 C.L.R. 269, a civil appeal, referred to with approval.*

*Criminal Appeals—“Piecemeal appeals”—Should be discouraged—See above.*

*Criminal Procedure—Appeals—See above.*

Cases referred to :

*Christofidou v. Nemitsas (1963) 2 C.L.R. 269.*

**Appeal.**

Appeal against the ruling made by the District Court of Nicosia (Ioannides, D.J.) on the 14th June, 1966 (Criminal Case No. 3500/65) dismissing a plea of *autrefois acquit*, entered by the accused under section 69 (1) (b) of the Criminal Procedure Law, Cap. 155.

*L. Demetriades*, for the appellant.

*K. Michaelides*, for the respondent.

The judgment of the Court was delivered by :

VASSILIADES, AG. P.: We have not fully heard counsel in the present appeal ; but from what we have heard so far from both sides, we may say that in our opinion the course adopted by Mr. Demetriades for the appellant, to withdraw this appeal at this stage, in order to enable the proceedings in Criminal Case No. 7908/64 to be carried to a conclusion, is the best course in the circumstances. We would only

add that what was said regarding appeals from rulings or decisions made in the course of civil or criminal trials in *Pinelopi Christofidou v. Elli Nemitsas* (1963) 2 C.L.R. 269 should be borne in mind by litigants intending to take such a course. In the circumstances of this case we do not propose making any order for costs ; but in different circumstances, such an order might be one of the ways of discouraging "piecemeal appeals" causing embarrassment, delay and expense in litigation, civil or criminal.

In the result, the appeal will stand abandoned and dismissed with no order as to costs.

*Appeal abandoned, dismissed. No order as to costs.*

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