

ARCHIMIDES ANDREA AND 4 OTHERS,

Appellants,

v.

THE POLICE,

Respondents.

ARCHIMIDES
ANDREA AND
4 OTHERS
v.
THE POLICE

(Criminal Appeal Nos. 2838-2842)
(Consolidated)

Criminal Law—Sentence—Breaking the conditions of a special permit issued to the appellants under section 6 (1) (b) of the Game and Wild Birds Law, Cap. 65, as amended by Laws No. 9 of 1964 and No. 76 of 1965—Appeal against sentence as being excessive—Sentence held not to be excessive so as to call for the intervention of the Court of Appeal—A special permit, granted during a close season, is an exceptional relaxation of an otherwise generally applicable prohibition—Therefore the terms and conditions of such permit have to be strictly abided by the sportsmen concerned—Especially in times, such as the present, of an urgent need of protecting the game and wild birds in Cyprus.

Game and Wild Birds Law, Cap. 65—Special permit under section 6 (1) (b)—Conditions imposed—Should be strictly abided—See under Criminal Law above.

Criminal Procedure—Appeal—Appellant absent at hearing of the appeal—The Appellate Court, nevertheless, proceeded to deal with the appeal in the absence of the appellant under the provisions of the Criminal Procedure Law, Cap. 155, section 143 (3).

Trial in Criminal Cases—Appeal—Absence of the appellant at hearing of the appeal—See under Criminal Procedure above.

Appeal against sentence.

Appeal against the sentence imposed on the appellants who were convicted on the 30th August, 1966, at the District Court of Paphos (Criminal Case No. 1388/66) on one count of the offence of breaking the conditions of the special permit, issued by the District Officer, Paphos, contrary to section 6 (1) (b) and 25A of the Game and

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Wild Birds Law, Cap. 65, as amended by Laws 9/1964 and 76/1965 and section 20 of the Criminal Code, Cap. 154, and were sentenced by Papadopoulos, D.J., to pay a fine of £5 each and they were further prohibited from carrying a gun for a period of one year and any licence granted to them to be forfeited for the period of one year.

G. Pelaghias, for appellants Nos. 1, 3, 4 and 5.

Appellant No. 2 called and found to be absent.

K. Michaelides, on behalf of the Attorney-General, for the Respondents.

The judgment of the Court was delivered by :

TRIANTAFYLIDIS, J.: In these five appeals, which we have consolidated for the purposes of this hearing—inasmuch as they arise out of the same criminal case and the same facts—four of the appellants are represented by counsel but the fifth has not appeared today ; nevertheless, in the light of section 143 (3) of the Criminal Procedure Law, Cap. 155, and in view of the circumstances of the matter, we have decided to proceed to deal with the appeal of the absent appellant together with the appeals of those represented by counsel.

The appellants having pleaded guilty to breaking the conditions of a special permit issued to them by the District Officer of Paphos, under section 6 (1) (b) of the Game and Wild Birds Law, Cap. 65, (as amended by Laws 9/64 and 76/65) have been sentenced to a fine of £5 each, and they have also been prohibited from carrying a gun for a period of one year and any licence granted to them was ordered to be forfeited for the same period.

The appellants broke the conditions of their permit by pursuing game, during a close season, outside the area specified in such permit.

We have paid due regard to whatever learned counsel for appellants has submitted, but we cannot agree that the sentence imposed is excessive, so as to call for the intervention of this Court.

It must be borne in mind that a special permit, granted during a close season, is an exceptional relaxation of an otherwise generally applicable prohibition and, therefore,

the terms and conditions of such permit have to be strictly abided by the sportsmen concerned. In times, such as the present, of an urgent need of protecting game and wild birds in Cyprus, it is more than ever imperative that every possible care should be taken in order to ensure the due observance and enforcement of the relevant legislation and the courts should take a serious view of offences of the nature of the sub judice matter. So we are quite in agreement with the learned trial Judge in thinking that the sentence imposed on the appellants was, in the circumstances, a lenient one.

These appeals are dismissed accordingly.

Appeals dismissed.

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