

ELENI DEMOSTHENOUS,

Appellant,

v.

THE DISTRICT OFFICER, LIMASSOL,
AS APPROPRIATE AUTHORITY
FOR LIMASSOL DISTRICT,

Respondent.

ELENI
DEMOSTHENOUS
v.
THE DISTRICT
OFFICER,
LIMASSOL, AS
APPROPRIATE
AUTHORITY
FOR LIMASSOL
DISTRICT

(*Criminal Appeal No. 2924*)

Criminal Law—Sentence—Appeal against sentence as being manifestly excessive—One month's imprisonment for disobeying a demolition order of the Court—Hardship to the appellant's family—Effective application of the law—Appellant given ample opportunity to comply with the said demolition order—Appellant's complaint unfounded—Case of The District Officer Nicosia v. Fleni Michael Pittordi (reported in this part at p. 131 ante) referred to.

Demolition Order—Disobedience—Sentence—See above.

Buildings—Building without permit—Demolition order by the Court—Disobedience—Sentence—See above.

Streets and Buildings Regulation Law, Cap. 96—Building without permit—Demolition Order by the Court—Sentence—See above.

Criminal Procedure—Appeal—Sentence—See above.

The appellant was convicted and sentenced to one month's imprisonment for disobeying a demolition order issued against her by the trial Court in respect of an offence under the Streets and Buildings Regulation Law, Cap. 96. The Court dismissed the appeal having found that in the circumstances the sentence was far from being excessive at all. The facts sufficiently appear in the judgment of the Court.

Appeal dismissed.

Cases referred to :

The District Officer Nicosia v. Eleni Michael Pittordi (reported in this part at p. 131 *ante*).

Appeal against sentence.

Appeal against sentence imposed on the appellant who was convicted on the 13th May, 1967, at the District Court

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of Limassol (Criminal Case No. 1372/67) on one count of the offence of failing to obey an order of the Court made under sections 3 (1) (b) and 20 (1) (a) of the Streets and Buildings Regulation Law, Cap. 96, and was sentenced by Pikis, D.J.; to one month's imprisonment.

Appellant, in person.

A. Frangos, Counsel of the Republic, for the respondent.

The judgment of the Court was delivered by :

VASSILIADES, P.: This is an appeal against a sentence of one month's imprisonment imposed on the 'appellant for disobedience of a demolition order, by the District Court of Limassol. The appeal is taken by the appellant in person, on a formal notice signed by her at the Central Prison, a few days after her admission therein, under the sentence in question. The ground on which the appeal is taken, as stated in the notice, is that the sentence is manifestly excessive.

The appellant is a married woman, the mother of nine children, the youngest of which is about three months old, according to the plea in mitigation put forward by her counsel at the trial. In support of her appeal before us, the appellant has relied mostly on the hardship which the sentence has caused to her family ; particularly the younger children. Today most of the strength of such a plea evaporates considering that in a matter of a few days the sentence imposed by the trial Court shall have been served. In any case considerations of this nature may be taken into account by the Court in measuring sentence, but they cannot override the main purpose of the prosecution, which is the effective application of the law.

It is apparent from the record, that the appellant was given ample opportunity to comply with the demolition order, not only during the period from the making of the order until the filing of the prosecution, but also after appellant's plea of guilty to the charge on the 17th March, 1967 and the 13th May, 1967 when the sentence was imposed. Apparently for that purpose the Court granted to the appellant three adjournments.

The learned trial Judge went carefully into the matter as it appears clearly from his judgment ; and his approach to the case, particularly the sentence to be imposed in the cir-

cumstances, is, in our opinion, quite correct. He referred for guidance to cases in which the question of sentence was discussed in this Court on appeal ; and he had in mind the case of *The District Officer, Nicosia v. Eleni Michael Pittordi* (reported in this part at p. 131 *ante*) where on appeal by the prosecutor with the sanction of the Attorney-General under section 137 (1) (b) of the Criminal Procedure Law, against a sentence of £2 fine for disobedience of a demolition order, this Court set aside the sentence imposed by the trial Court as manifestly inadequate, and substituted it by a sentence of three months' imprisonment.

This is sufficient to indicate that appellant's complaint against the sentence of one month's imprisonment, imposed upon her in this case, is unfounded. Indeed, it is not without some difficulty that we find ourselves able, in the circumstances, to dismiss the appeal without bringing the sentence under consideration, more in line with the sentence in the case just referred to.

In the result, considering all relevant matters in this case, including the fact that appellant's husband, we are now informed, has carried out the demolition directed in the order, and the fact that appellant's sentence is due to expire in very few days, we have decided to dismiss the appeal and affirm the sentence, with directions that it should be allowed to run from the date on which it was imposed by the trial Court.

Appeal dismissed. Sentence affirmed ; to run from the date imposed by trial Court.

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