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

CONSTANDIS GEORGHIOU;

Appellant,

v.

THE POLICE,

Respondents.

(*Criminal Appeal No.* 2960)

Criminal Law—Sentence—Appeal against sentence as being manifestly excessive—Criminal trespass and aggravated assault contrary to sections 280 *and* 243, *respectively, of the Criminal Code, Cap.* 154*—Principles upon which the Court of Appeal will interfere with sentences imposed by trial Courts—In the present case there is no reason for interfering with the sentence.*

Criminal Procedure—Appeal—Sentence—Appeal against sentence—Approach of the Supreme Court in such appeals—See above.

Sentence—Appeal—Appeal against sentence—See above.

Cases referred to :

The Attorney-General v. *Vasiliotis and Another* (reported in this part at p. 20 *ante*) ;

Yiassoumis v. *The Republic* (reported in this part at p. 28 *ante*) ;

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

Michael Afxenti "Iroas" v. *The Republic* (1966) 2 C.L.R. 116 at p. 118 ;

Nicolaou v. *The Republic* (1966) 2 C.L.R. 60 at p. 61.

Appeal against sentence.

Appeal against sentence imposed on the appellant who was convicted on the 3rd October, 1967, at the District Court of Famagusta (Criminal Case No. 4956/67) on 2 counts of the offences of trespass and assault aggravated contrary to sections 280 and 243 of the Criminal Code Cap. 154, respectively, and was sentenced by Pikis, D.J., to three months' imprisonment on each count, the sentences to run concurrently.

Appellant in person.

S. Georghiades, Counsel of the Republic, for the respondents.

The facts sufficiently appear in the judgment of the Court, dismissing this appeal against sentence.

VASSILIADES, P.: This is an appeal against a sentence of three months imprisonment for criminal trespass and aggravated assault imposed on the appellant in the District Court of Famagusta.

The appellant, a butcher aged 60, was charged in the District Court jointly with his son aged 28, for entering into the yard of the house of complainant with intent to commit an offence contrary to section 280 of the Criminal Code, and with assault occasioning actual bodily harm contrary to section 243. For the reasons stated in his judgment, the learned trial Judge imposed a fine of £30 on the son coupled with a recognizance in the sum of £100 for one year to keep the peace, with which we are not concerned in this appeal, as this sentence was not challenged.

The father (appellant before us) was sentenced to three months imprisonment on the count for trespass and three months imprisonment on the two counts for assault, all sentences to run concurrently. About a week after his admission in prison under this sentence, the appellant signed a notice of appeal on the form supplied by the Prison authorities, challenging the sentence on the ground that it is manifestly excessive.

When charged before the District Court, both accused pleaded guilty and counsel on their behalf stated to the trial Judge in mitigation the circumstances under which the offence was committed. The learned trial Judge adjourned the case until the following morning to consider his sentence, directing that the accused be kept in custody in the meantime. While on this point, if I may say so with all respect, adjourning the case until the following day for sentence, in a case of this nature, enables the Judge to reflect calmly on his sentence, while at the same time it gives an opportunity to the accused to reflect on the consequences of his conduct.

On the following morning the learned trial Judge gave in a written judgment the reasons why he felt bound to take a rather serious view of the case, and he referred to three cases in this connection. (*The Attorney-General* v. *Vasiliotis* and *Another* (reported in this Part at p. 20, *ante*)

Yiassoumis v. *The Republic* (reported in this part at p. 28 *ante*) ; *The District Officer Nicosia* v. *Eleni Pittordi* (reported in this part at p. 131 *ante*)).

The appellant appeared personally in this Court, and asked whether he required the assistance of an advocate he replied in the negative. Against his sentence he repeated practically what his counsel stated to the trial Judge in mitigation, which is already on the record.

After hearing the appellant we found it unnecessary to call upon the respondent. The approach of this Court in appeals of this nature was stated in a number of cases. I may now refer to *Michael Afxenti "Iroas"* v. *The Republic* (1966) 2 C.L.R. 116 at p. 118 ; *Lambros Nicolaou* v. *The Republic* (1966) 2 C.L.R. 60 at p. 61. In this case we find no reason for interfering with the sentence imposed by the trial Court ; and we are unanimously of the opinion that this appeal must fail. As the appellant did not have legal assistance in taking this appeal, and as the sentence of the trial Court is, in the circumstances, rather on the severe side, we shall direct that the term of imprisonment should run from conviction. Appeal dismissed, order accordingly.

Appeal dismissed.