

1969
June 18

[VASSILIADES, P., TRIANTAFYLIDIS, JOSEPHIDES, JJ.]

GEORGHIOS
PETRIDES
v.
THE POLICE

GEORGHIOS PETRIDES,

Appellant,

v.

THE POLICE,

Respondents.

(*Criminal Appeal No. 3093*).

Permitting premises to be used as a brothel ; and living on the earnings of prostitution contrary to sections 156 and 164, respectively of the Criminal Code, Cap. 154—Conviction—Appeal—Ingredients of the offence including knowledge and connivance, fully supported by the evidence—Findings of trial Court sustained—Appeal against conviction dismissed.

Cases referred to :

Christodoulides v. The Police (1968) 2 C.L.R. 226.

The facts sufficiently appear in the judgment of the Court.

Appeal against conviction.

Appeal against conviction by Georghios Petrides who was convicted on the 17th April, 1969, at the District Court of Nicosia (Criminal Case No. 1443/69) on six counts of the offences of, *inter alia*, permitting his premises to be used as a brothel and of living on the earnings of prostitution contrary to sections 156 (1) (b) and 164 (1)(a), respectively, of the Criminal Code Cap. 154 and was sentenced by Vakis, D.J. to 12 months' imprisonment on each of the five principal counts and no sentence was passed on him on the sixth count.

A. E. Georghiades, for the appellant.

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

The judgment of the Court was delivered by :—

VASSILIADES, P : The appellant was convicted in the District Court of Nicosia on six counts for offences against morality under sections 156 and 164 of the Criminal Code (Cap. 154) for permitting his business premises, a public

bar, to be used as a brothel ; and for living on the earnings of prostitution from the profits of that business. He was sentenced to 12 months' imprisonment on each of the five principal counts, concurrently ; and ordered to pay £33.— costs, or two further months' imprisonment in default.

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In a strongly contested trial the prosecution called 14 witnesses and put in evidence a number of documentary exhibits, including a voluntary statement by the appellant to the police, where he has stated, at length and in detail, his version of the case. This statement is *exhibit 3* on the record. When called upon for his defence at the close of the case for the prosecution, the appellant elected to adopt from the dock his statement ; and called one witness for the defence.

The material facts, taken mostly from the judgment of the trial Court, are briefly as follows :—

The appellant, a married man 51 years of age, was running a public bar under the name of " Las Vegas " in an attractive house in Nicosia, as it may be seen from the police photographs taken for the purposes of this case, and produced as *exhibit 2*. The business was run in the name of his wife under the control of the appellant assisted by a barman-manager. The customers were waited upon by waitresses who apart of serving the customers at small separate tables, would keep them company at such tables, with drink offered by the customer, at a price including a ticket for the waitress which she cashed at the end of the day as part of her earnings.

Drink was also served by these waitresses in private rooms furnished with a convertible sofa, where champagne was served for such couples of customer and waitress at the price of £3.— the small bottle and £5.— the large, also including a ticket for the waitress. Three of such waitresses gave evidence to the effect that to the knowledge of the appellant as their employer, their services to the male customers often included sexual relations in the private rooms of appellant's business premises ; and were paid for, as far as their employer was concerned, through the serving of champagne at the prices stated above.

In addition to this evidence, six male young witnesses stated how they were served at the bar in question, both with drink and sex, confirming the evidence of the waitresses on the point ; and establishing, beyond any doubt in the mind of the trial Judge, that the customary business

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on appellant's premises, included prostitution, part of the earnings of which were channelled through the proceeds of his business, to the appellant.

The trial Judge, in a carefully considered judgment, dealt with the evidence in detail and reached the conclusion that the prosecution discharged fully the burden cast upon them to prove all the ingredients of the offences charged, including knowledge and connivance on the part of the appellant, in the immorality charged in the six counts. The trial Judge correctly, in our opinion, described the evidence which he accepted, as overwhelming for the purposes of proving the case to the hilt. He found the appellant guilty on all counts and sentenced him as stated above.

Against this conviction, the appellant took the present appeal mainly on the ground that the waitresses called for the prosecution were accomplices in the commission of the offences charged ; and that their evidence should have been rejected as unreliable ; or should, in any case, be looked upon with suspicion and assessed with great caution. Learned counsel for the appellant challenged also the validity of the evidence of the male witnesses, on grounds of inconsistency ; and referring to a number of discrepancies, he invited the Court to upset the findings of the trial Court as unsatisfactory ; and to set aside the convictions resting upon them.

Counsel had a formidable task to discharge ; and despite his valiant efforts, he was not able to throw any doubt on the validity of the trial Judge's findings ; or on the correctness of his rulings regarding the admissibility of the evidence upon which his findings rest. At the conclusion of his address we found it unnecessary to call on counsel for the prosecution. (See *Christodoulides v. The Police* (1968) 2 C.L.R. 226). The appeal fails ; and must be dismissed. The sentences to run according to law (section 147(1) of the Criminal Procedure Law, Cap. 155) from the date of the judgment determining the appeal.

Appeal dismissed.