

1972  
Sept. 15

[TRIANTAFYLLIDES, P., HADJIANASTASSIOU, A. LOIZOU, JJ.]

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LANITIS  
BROS. LTD. (NO. 1)  
v.  
THE MUNICIPAL  
CORPORATION  
OF LIMASSOL

LANITIS BROS. LTD. (NO. 1),

*Applicants,*

v.

THE MUNICIPAL CORPORATION OF LIMASSOL,

*Respondents.*

(Criminal Application No. 2/72).

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*Criminal Procedure—Appeal—Time—Extension of time to file appeal—Section 134 of the Criminal Procedure Law, Cap. 155—Application for extension filed within the time allowed for filing an appeal—On the ground of inability to file notice of appeal with full grounds due to non-availability of record and judgment—Counsel for Respondents not objecting—Extension of time allowed.*

*Appeal—Time—Extension of—See supra.*

*Criminal Procedure—Appeal—Grounds of criminal appeal—It is always possible to amend the grounds stated in the notice of appeal, before the date of the hearing, by giving notice to that effect to the Chief Registrar and delivering a copy thereof to the Respondent—Rule 24 of the Criminal Procedure Rules.*

*Appeal—Grounds of appeal—Amendment thereof—See supra.*

The facts sufficiently appear in the ruling of the Court enlarging the time within which to file an appeal in this case.

**Application for extension of time.**

Application for an order extending the time within which the Applicants may file an appeal against their conviction and sentence by the District Court of Limassol, dated the 8th August, 1972, in Criminal Case No. 11862/71 of offences under sections 4(b), 5, 7 and 14 of the Display of Advertisements Law, Cap. 50.

*L. Olympiou (Mrs.), for the Applicants.*

*A. Moushouttas, for the Respondents.*

The following ruling was delivered by:-

TRIANTAFYLIDIS, P.: In this case counsel for Applicants did not file in time the notice of appeal in the District Court of Limassol, which was the trial Court, because there were not yet available copies of the judgment and of the record of proceedings and, in the circumstances, she could not prepare a notice of appeal containing in full all the grounds relied on; she applied, instead, within the time allowed for filing an appeal, for an extension of such time and she attached to her application a provisional notice of appeal in general terms.

In a situation such as the present one, and as, also, there is no objection on the part of counsel for the Respondents, we have found no difficulty in granting an extension enabling the Appellants to file a notice of appeal in the District Court of Limassol within seven days from today.

We would like to point out that under rule 24 of the Criminal Procedure Rules it is always possible for an Appellant to amend the grounds stated in the notice of appeal, before the date of the hearing, by giving notice to that effect to the Chief Registrar and delivering a copy thereof to the Respondent; so there was nothing to prevent counsel for the Applicants from filing within time in the Limassol District Court a notice of appeal framed in general terms and amending it later on receipt of copies of the judgment and of the record of proceedings.

*Application granted.*

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