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

MICHAEL HOWELL,

Appellant,

v.

THE REPUBLIC,

Respondent.

(*Criminal Appeal No.* 3375).

Narcotic Drugs—Sentence—One year's imprisonment for possession of narcotic drugs (cannabis)—Need to face sternly offences of this kind—Said sentence a proper one—In view, inter alia, *of the prevalence of such offences—The Narcotic Drugs Law,* 1967 (*Law No.* 3 *of* 1967) *and the Regulations thereunder.*

Sentence—Narcotic drugs—Sentence of one year's imprisonment neither manifestly excessive nor wrong in principle.

Cases referred to:

Maos v. *The Republic* (1971) 2 C.L.R. 191;

Loizou v. *The Republic* (1971) 2 C.L.R. 196;

Hassan v. *The Republic* (1971) 2 C.L.R. 210;

Abdullah v. *The Republic* (1971) 2 C.L.R. 323;

R. v. *Molins and Robson* "The Times" of October 27, 1972;

Edwards v. *The Police* (1971) 2 C.L.R. 239.

The facts sufficiently appear in the judgment of the Court dismissing this appeal against sentence of one year's imprisonment for possessing narcotics drugs (7½ grams of cannabis) contrary to the Narcotic Drugs Law, 1967, and the Regulations made thereunder.

Appeal against sentence.

Appeal against sentence by Michael John Howell who was convicted on the 16th October, 1972 at the Assize Court of Limassol (Criminal Case No. 9009/72) on one count of the

offence of possessing narcotic drugs contrary to sections 2, 3, 6, 21 and 24 of the Dangerous Drugs Law, 1967, (Law No. 3/67) and Regulation 5 of the Dangerous Drugs Regulations, 1967, and was sentenced by Loris, P.D.C., Hadjitsangaris and Chrysostomis, D.JJ. to one year's imprisonment.

S. McBride, for the Appellant.

V. Aristodemou, Counsel of the Republic, for the Respondent.

The judgment of the Court was delivered by:-

TRIANTAFYLLIDES, P.: The Appellant has appealed against the sentence of one year's imprisonment which was passed upon him by an Assize Court in Limassol, on the 16th October, 1972, after he had pleaded guilty to the offence of unlawful possession of 7.5 grams of cannabis.

The Appellant came into possession of the cannabis on the night of the 23rd June, 1972, as a result of a meeting with an unknown person in a bar in Limassol, who offered to sell him cannabis; they both left the bar and the transaction took place in a neighbouring street; the Appellant paid £4 for the aforesaid quantity of cannabis.

Learned counsel for the Appellant has submitted that the sentence of imprisonment was wrong in principle and manifestly excessive in view of the special circumstances of this case, namely that the Appellant is only nineteen years old, he is soldier in the British Army and his army career will be jeopardized due to his being sent to prison, he is a first offender, he expressed from the very first moment remorse for what he had done, he is neither a drug addict nor a trafficker in narcotic drugs, and he has co-operated fully with the police in the course of the investigation of this case.

All the aforesaid considerations were duly weighed by the trial Court and it decided, eventually, to impose a sentence of one year's imprisonment, in view, *inter alia*, of the severity and prevalence of the offence in question; the Court referred to *Maos* v. *The Republic* (1971) 2 C.L.R. 191, *Loizou* v. *The Republic* (1971) 2 C.L.R. 196, *Hassan* v. *The Republic* (1971) 2 C.L.R. 210, and *Abdullah* v. *The Republic* (1971) 2 C.L.R. 323, in which it was stressed by the Supreme Court that offences involving narcotic drugs have to be faced sternly by the Courts.

We do sympathize with the Appellant in his present plight, but we cannot agree that this is a case in which the sentence of imprisonment was wrong in principle: As pointed out very recently in *R.* v. *Molins and Robson* (see the report in the London "Times" of the 27th October, 1972), by the Court of Appeal in England, a sentence of imprisonment is a proper sentence for the offence of being in possession of cannabis; nor have there been placed before us any new factors—as in the *Molins* case, *supra*—which would justify the taking by us, exceptionally, of a merciful course. Though it may well be true that the Appellant was not, at the material time, either an addict or a trafficker, we cannot lose sight of the fact that when he was arrested by the police, with the cannabis in his possession, he was about to take a taxi in order to return to his camp, and so the cannabis would have found its way into an army camp; thus the Appellant and possibly other young soldiers would embark upon the fateful course of using narcotic drugs.

Society has, indeed, to be protected from conduct such as that of the Appellant. Though had we been trying this case in the first instance we might have imposed a somewhat shorter sentence of imprisonment than the one imposed by the Assize Court—which is a rather severe one—we are not prepared to go as far as to hold that the sentence passed upon the Appellant is a manifestly excessive one, so that we should interfere with its duration.

In due course the appropriate organs, who are empowered under the Constitution to decide regarding a remission of his sentence, may possibly decide in view of the severity of the sentence and, also, of the fact that the Appellant is a foreigner serving his term of imprisonment away from his relatives and friends and in surroundings with which he is not familiar (see, *inter alia*, *Edwards* v. *The Police* (1971) 2 C.L.R. 239) to take whatever action they may deem fit; but in so far as we are concerned we have, in the light of all that has been stated in this judgment, to dismiss this appeal. The sentence is to run from the date when it was imposed.

Appeal dismissed.