

[TRIANTAFYLIDIS, P., STAVRINIDES, MALACHTOS, JJ.]

GEORGHIOS LAZAROU AND OTHERS,

Appellants,

v.

THE POLICE,

Respondents.

1973

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GEORGHIOS
LAZAROU
AND OTHERS
v.
THE POLICE

(*Criminal Appeals Nos. 3434-3438*).

Remand Order—Section 157 of the Criminal Procedure Law, Cap. 155—Court of Appeal has no jurisdiction thereunder to interfere on appeal with an order for remand in custody made on the adjournment of the hearing of a criminal case by another Court exercising criminal jurisdiction—Section 25 (2) of the Courts of Justice Law, 1960. (Law of the Republic No. 14 of 1960) does not create an unlimited right of appeal in criminal cases—But only a right of appeal regulated by the Criminal Procedure Law, Cap. 155.

Appeal—Right of appeal—In criminal cases—Remand order—See supra.

Criminal Procedure—Remand order—Appeal—See supra.

In this case the Supreme Court held that it is not possible to construe section 157 of the Criminal Procedure Law, Cap. 155 (see the full text of this section *post* in the judgment) in such a manner as to deduce from its provisions that it possesses jurisdiction thereunder to interfere on appeal with an order for remand in custody made on the adjournment of the hearing of a criminal case by another Court exercising criminal jurisdiction.

Cases referred to:—

Christofi v. The Police (1970) 2 C.L.R. 117;

Georghadji and Another v. The Republic (1971) 2 C.L.R. 229.

Appeals against order of remand in custody.

Appeals by Georghios Lazarou and Others against the order of the District Court of Larnaca (Artemides, D.J.), made on the 3rd April, 1973 in Cr. Case No. 3451/73, whereby the

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Appellants were remanded in custody upon the adjournment of the hearing of the said criminal case against them and after they had been charged and pleaded not guilty.

D. Papachrysostomou, for the Appellants.

Cl. Antoniadis, Counsel of the Republic, for the Respondents.

The judgment of the Court was delivered by:—

TRIANTAFYLIDIS, P.: In this case we are dealing with appeals made against an order made by the District Court of Larnaca, in a criminal case, on the 3rd April, 1973, remanding in custody the five Appellants, who are the accused in that case, until the 12th April, 1973; the said order was made after the Appellants had been charged and pleaded not guilty, that is after the commencement of their trial, which was then adjourned till the 12th April, 1973.

Counsel for the Appellants has relied, in argument, on sections 157 of the Criminal Procedure Law, Cap. 155, and 25(2) of the Courts of Justice Law, 1960 (14/60).

Section 25(2) of Law 14/60 does not create an unlimited right of appeal in criminal cases, but only a right of appeal regulated by Cap. 155 (see, *inter alia*, *Christofi v. The Police* (1970) 2 C.L.R. 117 and *Georghadji and Another v. The Republic* (1971) 2 C.L.R. 229).

Section 157 of Cap. 155 reads as follows:—

“ 157. (1) Subject to the provisions of subsection (2) of this section, any Court exercising criminal jurisdiction may, if it thinks proper, at any stage of the proceedings, release on bail any person charged or convicted of any offence, upon the execution by such person of a bail bond as in this Law provided.

(2) In no case a person upon whom sentence of death has been passed shall be released on bail; and no person charged of any offence punishable with death shall be released on bail, except by an order of a Judge of the Supreme Court”.

We do not propose to refer to other cases in the past in which appeals against remand orders were entertained; because none of them involved a remand order at a stage of the proceedings

such as the one in the present case. In the absence of any authority to the contrary—and none was cited—we are of the opinion that it is not possible to construe section 157 in such a manner as to deduce from its provisions that we possess jurisdiction thereunder to interfere *on appeal* with an order for remand in custody made on the adjournment of the hearing of a criminal case by *another* Court exercising criminal jurisdiction.

For this reason these appeals fail and have to be dismissed.

Counsel for the Appellants will no doubt advise them as to what other remedy may be open to them.

Appeals dismissed.

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