

1973
April 20

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ANTONIS
GEORGHIOU
ALIAS PETSAS
v.
THE REPUBLIC

[TRIANTAFYLIDIS, P., STAVRINIDES, L. LOIZOU, JJ.]

ANTONIS GEORGHIOU, ALIAS PETSAS,

Appellant,

v.

THE REPUBLIC,

Respondent.

(*Criminal Appeal No. 3426*).

Appeal in criminal cases—Findings of fact based on credibility of witnesses—Trial Court rejecting accused's (now Appellant's) version by relying on the evidence adduced by the prosecution—In the light of the principles on which the Court of Appeal acts in appeals turning on the issue of credibility of witnesses, said findings made by the trial Court not interfered with on appeal.

Credibility of witnesses—Approach of the Court of Appeal—See supra.

Judgment—Duly reasoned—Article 30.2 of the Constitution and section 113 of the Criminal Procedure Law, Cap. 155—Whether a judgment is duly reasoned, in any particular case, depends on whether sufficient reasons have been given in order to deal with the main issues raised in the case.

Constitutional Law—Article 30.2 of the Constitution—Duly reasoned judgment—See supra

The facts of the case are sufficiently set out in the judgment of the Court, dismissing this appeal against conviction.

Cases referred to:

Roussou v. Theodoulou (1972) 1 C.L.R. 22;

Theodorou v. Demetriou (1972) 1 C.L.R. 183.

Appeal against conviction.

Appeal against conviction by Antonis Georghiou alias Petsas who was convicted on the 14th February, 1973 at the Assize Court of Nicosia (Criminal Case No. 16439/72) on one count of the offence of possessing narcotic drugs contrary to sections 3, 6 and 24 of Narcotic Drugs Law, 1967 (Law 3 of 1967) and

Reg. 5 of the Narcotic Drugs Regulations, 1967 and was sentenced by Ioannides, P.D.C., Colotas, D.J. and Evangelides, Ag. D.J. to 18 months' imprisonment.

A. *Pandelides*, for the Appellant.

A. *Evangelou*, Counsel of the Republic, for the Respondent.

The judgment of the Court was delivered by:

TRIANTAFYLLIDES, P.: The Appellant was convicted by an Assize Court in Nicosia of the offence of unlawfully possessing a narcotic drug, namely 40 grams of *cannabis sativa*, which was found in his possession, in his house, by the police, on the 26th October, 1972. He was sentenced to eighteen months' imprisonment.

From the before us record of the case it appears that the police, on that date, went to search his house, on the strength of a warrant; the Appellant, on seeing them, sought refuge in the Kitchen of the house and the police caught him there and found the *cannabis* under his left arm-pit.

The Appellant contends that he was convicted wrongly.

The Appellant maintained at his trial that, just before the arrival of the police, a certain Mavroyiannos had gone to his house, put in his lap the parcel containing the *cannabis* and rushed out of the house without giving him a chance to reject it; the Appellant alleged that in doing so Mavroyiannos had been acting as an agent of the police, who were waiting outside and who entered his house as soon as Mavroyiannos had left.

This version of the Appellant was rejected by the trial Court as being untrue; in doing so it relied, *inter alia*, on the fact that the policemen, who went to the house of the Appellant and found him in possession of the *cannabis*, and whose evidence was believed, denied that the Appellant had mentioned to them, at the time, anything about Mavroyiannos having brought him the *cannabis*. We are dealing here with an issue of credibility and in the light of the principles set in relevant case-law (see, *inter alia*, *Roussou v. Theodoulou* (1972) 1 C.L.R. 22, and *Theodorou v. Demetriou* (1972) 1 C.L.R. 183) we are not prepared to reverse the finding of the trial Court.

Another argument which has been put forward by the Appellant is that the judgment of the Court below is not duly

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reasoned. The requirement that reasons be given in a judgment is mentioned in Article 30.2 of our Constitution as well as in section 113 of the Criminal Procedure Law, Cap. 155; in our view, the answer to the question as to whether or not such requirement has been satisfied, in any particular case, depends on whether sufficient reasons have been given in order to deal with the main issues raised in the case; and, in this respect, we can find nothing wrong with the judgment appealed from.

We are bound, therefore, to dismiss the appeal.

As we take the view that the Appellant was treated leniently, as regards sentence, by the trial Court; and as he has a bad past record, and as, moreover, we consider that this appeal was quite groundless, we see no reason to direct that the sentence imposed on him by the trial Court should run as from the date of conviction; so, it will run, according to law (section 147 of the Criminal Procedure Law, Cap. 155), as from today, when his appeal is dismissed.

Appeal dismissed.