

1978 April 10

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

PAVLOS KARYDAS,

Appellant.

v.

THE POLICE,

Respondents.

(*Criminal Appeal No. 3859*).

Criminal Law—Sentence—Selling controlled goods at a rate of profit higher than that fixed by law—Need to punish offences of this nature with severity—Deterrent aspect of punishment to be imposed to be seriously taken into account—Sentence of C£ 200 though rather severe neither manifestly excessive nor wrong in principle—Appeal dismissed. 5

The appellant sold a sack containing fifty kilos of rice at C£ 8.500 mils instead of at C£ 8.350 mils. He was convicted of the offence of selling controlled goods at a rate of profit higher than that fixed by law and was sentenced to pay a fine of C£ 200.— 10

Upon appeal against sentence his counsel argued that the sentence was manifestly excessive and has stressed in this respect the indeed small difference, namely 150 mils only, between the price allowed by law and the price at which the appellant has sold the sack of rice. 15

Held, dismissing the appeal, that offences of this nature have to be punished with severity; that the aforementioned small difference in price should not be the only decisive criterion regarding the appropriate sentence but the deterrent aspect of the punishment to be imposed had to be seriously taken into account; that though the sentence of C£200 fine is rather severe it is not either manifestly excessive or wrong in principle; and that, accordingly, this Court is not entitled to intervene in order to reduce it. 20

Appeal dismissed. 25

Appeal against sentence.

Appeal against sentence by Pavlos Karydas who was convicted on the 9th March, 1978 at the District Court of Nicosia (Criminal Case No. 28294/77) on one count of the offence of
 5 selling controlled goods at a rate of profit higher than that fixed by Law contrary to section 3 of the Supplies and Services (Transitional Powers) (Continuation) Law, Cap. 175A and sections 3 (1) (d) and 6 of the Supplies and Services (Price, Control and Regulation) Order, 1974 (as amended) and was
 10 sentenced by Kourris, S.D.J. to pay a fine of C£200.—.

L. Clerides, for the appellant.

A. M. Angelides, Counsel of the Republic, for the respondents.

The judgment of the Court was delivered by:

15 TRIANTAFYLLIDES P.: The appellant was sentenced to pay a fine of C£200, by the District Court of Nicosia, after having been convicted of the offence of having sold controlled goods, namely rice, at a rate of profit higher than that fixed by law.

20 Actually, he sold, as a wholesaler, a sack containing fifty kilos of rice at C£8.500 mils, instead of at C£8.350 mils.

He has appealed against the said sentence and his counsel has argued that the sentence is manifestly excessive; he has stressed, in this respect, the indeed small difference, namely 150
 25 mils only, between the price allowed by law and the price at which the appellant has sold the sack of rice.

Offences of this nature are rightly regarded by the courts as being offences which have to be punished with severity.

30 In this particular case we do not think that the only decisive criterion regarding the appropriate sentence should be the aforementioned small difference in price; what had to be seriously taken into account, also, was the deterrent aspect of the punishment to be imposed.

35 As a matter of fact the appellant has two previous convictions of the same nature and it is, indeed, quite possible that because he was treated leniently on the previous occasions he was led to believe that he could continue committing this kind of offence with relative impunity.

Having weighed all pertinent considerations we have reached the conclusion that the sentence of C£200 fine is rather severe but it is not either manifestly excessive or wrong in principle and, therefore, we are not entitled to intervene in order to reduce it.

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In concluding we would like to observe that it should not be lost sight of that this fine was imposed for an offence in respect of which, in view of its nature, the appellant was running a real risk of receiving a sentence of imprisonment.

This appeal is, consequently, dismissed.

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Appeal dismissed.