

1978 October 12

[TRIANTAFYLIDIS, P., L. LOIZOU, HADJIANASTASSIOU,
A. LOIZOU, MALACHTOS, DEMETRIADES, SAVVIDES, JJ.]

THE ATTORNEY-GENERAL OF THE REPUBLIC,

Applicant.

v.

VASSOS CHRISTODOULOU PAVLIDES, ALIAS
"YIATROS", AND OTHERS,

Respondents.

(Criminal Application No. 6/78).

*Criminal Procedure—Transfer of trial—Transfer expedient for the
ends of justice, mainly from the security point of view—Section
174(1)(e) of the Criminal Procedure Law, Cap. 155.*

5 This was an application by the Attorney-General of the
Republic, under section 174(1) of the Criminal Procedure Law,
Cap. 155, for the transfer of the trial of the respondents from
Limassol to Nicosia. The respondents have not objected to the
application for transfer but they disputed certain parts of the
two affidavits in support of the application.

10 *Held*, granting the application, that even on the basis of the
undisputed parts of the two affidavits in question this is a proper
case in which to order the transfer applied for under section
174(1)(e) of Cap. 155, that is on the ground that such transfer
is expedient for the ends of justice, mainly from the security
15 point of view.

Application granted.

20 *Per curiam:* We have noted certain complaints voiced by
counsel for the respondents concerning the available facilities
in relation to visits to their clients in prison and, in general,
the preparation of their defence. We trust that the appropriate
authorities of the Republic will take all necessary measures to
ensure the enjoyment by the respondents of their constitutional
rights, under Articles 12 and 30 of the Constitution, concerning
the preparation of their defence.

Application.

Application by the Attorney-General of the Republic for the transfer of the trial of Criminal Case No. 8606/78 from Limassol to Nicosia.

- A. M. Angelides*, for the applicant Attorney-General of the Republic. 5
G. A. Georghiou, for respondents-accused 1, 2 and 3.
P. Solomonides, for respondents-accused 4 and 7.
A. Eftychiou, for respondents-accused 5 and 8.
E. Nicolaou (Miss), for respondent-accused 6. 10
L. Clerides, for respondent-accused 9.

The decision of the Court was delivered by:

TRIANTAFYLIDES P.: This is an application for the transfer of the trial of criminal case No. 8606/78 from Limassol to Nicosia. 15

The said case has been committed for trial before the Limassol Assize Court, the next sitting of which commences on October 16, 1978.

The present application is based on section 174(1) of the Criminal Procedure Law, Cap. 155, and it is supported by two affidavits in which there are set out the facts and grounds relied on by the applicant. 20

Counsel appearing for the respondents-accused have disputed certain parts of those affidavits, but they have not objected to the transfer of the trial from Limassol to Nicosia. 25

Even on the basis of the undisputed parts of the two affidavits in question we are of the view that this is a proper case in which to order the transfer applied for under section 174(1)(e) of Cap. 155, that is on the ground that such transfer is expedient for the ends of justice, mainly from the security point of view. 30

We have noted certain complaints voiced by counsel for the respondents-accused concerning the available facilities in relation to visits to their clients in prison and, in general, the preparation of their defence. We trust that the appropriate authorities of the Republic will take all necessary measures to ensure the enjoyment by the respondents-accused of their constitu- 35

tional rights, under Articles 12 and 30 of the Constitution, concerning the preparation of their defence.

The applied for order for transfer of the case in question for trial in Nicosia, instead of in Limassol, is hereby granted.

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Application granted.