

1988 May 5

(A LOIZOU, P, PIKIS, KOURRIS, JJ)

NASSEZ ABED KANJ,

*Appellant,*

v.

THE REPUBLIC,

*Respondent.*

*(Criminal Appeal No. 4978).*

5 *Sentence — Robbery contrary to sections 282 and 283 of the Criminal Code, Cap.154 — Getting by reason of the commission of the offence a gold watch valued at £8,000, a gold chain, valued at £800, clothing, shoes and key to a car — Appellant, a Lebanese, with unfortunate family background and pitiable social circumstances — Four years' imprisonment — No reason for interference with the sentence.*

The facts of this case appear sufficiently in the hereinabove headnote.

10 *Appeal dismissed*

*Cases referred to:*

*Pullen and Another v. The Republic (1970) 2 C.L.R. 13.*

**Appeal against sentence.**

15 Appeal against sentence by Nassez Abed Kanj who was convicted on the 5th February, 1988 at the Assize Court of Limassol (Criminal Case No. 28484/87) on one count of the offence of robbery contrary to sections 282 and 283 of the Criminal Code, Cap. 154 and was sentenced by Boyadjis, P.D.C., Anastassiou, S.D.J. and N. Nicolaou, D.J. to four years' imprisonment.

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Appellant appeared in person.

*Gl. Hadjipetrou*, for the respondent.

A. LOIZOU P. gave the following judgment of the Court. This is an appeal against a sentence of four years' imprisonment imposed on the appellant by the Limassol Assize Court for the offence of robbery, contrary to sections 282 and 283 of the Criminal Code, Cap. 154 for which the appellant was found guilty on his own plea. 5

The particulars of the offence as set out in the information are that the appellant and ex accused 2 on the 12th October, 1987, in the area of Amathus in the Limassol district, stole one gold watch with diamonds of «Cartier» make value at £8,000.-, one gold chain of a value of £800.-, clothing and shoes of a value of £117.-, the 10 keys of a flat and the keys of a car worth £3.-, all property of Jeffrey W. R. Oldfield from the U.K. and/or immediately before or after they used violence with a consequence to injure the said Jeffrey W. R. Oldfield, with intent to obtain or steal the said articles.

The facts of the case as they appear in the judgment of Assize 15 Court are briefly these. The appellant who is nineteen years of age and his accomplice come from Lebanon. They arrived in Cyprus, met the complainant on the beach and apparently the ex accused 2 had developed some kind of homosexual relations with him. They were visiting his flat and they were expecting money from 20 him. They then conceived the plan for the commission of this offence. On the morning of the 12th October, 1987, they were to leave Cyprus - fifteen days after the expiration of their permit they visited the complainant who let them in without any suspicion. On the pretext that they were going to show him something under 25 cupboard, he bend and then a struggle ensued, they beat him, they seized the articles in question and they left with the stolen property leaving him behind tied in bed. He managed, however, to free himself and he informed the Police. The appellant and his accomplice were arrested by the Police at Larnaca Airport, 30 whereupon they admitted having committed the offence.

The Assize Court referred to the case of *Robert Pullen and Another v. The Republic* (1970) 2 C.L.R. 13, in which two British soldiers aged 20 and 21, without previous convictions had been 35 sentenced to five years' imprisonment for a similar offence out of the commission of which they only got £7.- from the aged grocer whom they beat. And there the sentence of five years was reduced to three. But the Court stressed the need to stop such offences by encouraging the Courts to impose sentences with an element of 40 deterrence in them.

We heard the appellant, who comes from Wartom Lebanon, had an unfortunate family background and pitiable social circumstances. We feel sorry for the situation prevailing in that country but at the same time we cannot allow the consequences of such calamities and social misfortunes to be brought to Cyprus which has its own sufferings to heal and cannot have the problems of other countries affect its orderly way of life.

In the circumstances we find no reason to interfere with the sentence imposed.

10 For all the above reasons we dismiss the appeal.

*Appeal dismissed.*