



**COURT OF MAGISTRATES (GOZO)
AS A COURT OF CRIMINAL JUDICATURE**

**Magistrate Dr. Joseph Mifsud B.A. (Legal & Int. Rel.),
B.A. (Hons), M.A. (European), LL.D.**

Case number 72/2016

Today, 24th May 2016

**Police
(Inspector Bernard Charles Spiteri)**

-vs-

David Anthony Pollina

The Court;

Having seen the charge brought against **David Anthony Pollina**, born on the 29th September, 1966, residing at Refidim, Triq il-Wileg, Qala, holder of Maltese identity card number 31801(A), accused with having failed to give Faith Ellen Pollina the monthly allowance for the months of July 2015, August 2015, September 2015, October 2015, November 2015 and December 2015 which is Eur900 monthly and amount to Eur 5400 as ordered by the Court Degree Number

40/2014JVC issued on the 6th June 2014 by Magistrate Dr Joanna Vella LLD.

Having seen the documents exhibited;

After having seen Section 338(z) of the Criminal Code which provides that "Every person is guilty of a contravention against public order, who when so ordered by a court fails to give to his or her spouse and, or, the children, within fifteen days from the day on which, according to such order, such sum should be paid".

The point at issue, therefore, in this present case is whether the maintenance which the accused had to pay to his wife was maintenance which he had to pay because "so ordered by a court" and whether the quantum of that maintenance had been "fixed by the court".

Having heard the evidence at today's sitting;

Having heard oral pleadings by learned Counsels;

Now duly considers;

Having considered the evidence tendered before this Court, this Court is convinced that this case is the result of the ongoing pique between the accused and his wife.

The Court finds that the charge referring to the month of July 2015 is extinct due to it being time-barred.

The Court;

Having seen the judgement delivered on the 13th May 2016 by the Court of Criminal Appeal presided by H.H. Chief Justice Silvio Camilleri LL.D., in names "The Police vs David Anthony Pollina" (Appeal No. 430/2015);

The Court, having seen article 338(z) of Chapter 9 of the Laws of Malta, finds the accused guilty as charged and condemns him to three (3) months detention.

Furthermore the Court orders the accused to effect payment in the amount of two thousand Euro (€ 2000.00) being maintenance due to Faith Ellen Pollina for the months of August 2015, September 2015, October 2015, November 2015 and December 2015 within three (3) months from today, in accordance with the provisions of Article 24 Chapter 446 of the Law of Malta.

The Court explained in clear words the terms of the judgment to the accused.

Dr Joseph Mifsud
Magistrate