



MALTA

**IN THE COURT OF MAGISTRATES (MALTA)  
AS COURT OF CRIMINAL JUDICATURE**

**MAGISTRATE  
DR. CHARMAINE GALEA**

**Today 24<sup>th</sup> November 2016  
(Qawra sitting)**

**The Police  
(Inspector Godwin Scerri)**

**vs.**

**Aminou Kpelafia  
(ID: 49188A)**

The Court;

Having seen that the offender **Aminou Kpelafia** was charged with having during the day of the 24<sup>th</sup> May 2016 and during the previous days without the intent to steal or to cause any wrongful damage, but only in the exercise of a pretended right, on his own authority compelled Joanna Kpelafia to pay a debt or to fulfil any obligation whatsoever, or disturbed the possession of anything enjoyed by the person of Joanne Kpelafia, or demolished buildings, or diverted or took possession of any water-course, or in any other manner unlawfully interfered with the property of Joanne Kpelafia.

Also accused of becoming a recidivist after he was sentenced on the 5<sup>th</sup> May 2016 before Magistrate Dr. Charmaine Galea LL.D. in terms of sections 49 and 50 of Chapter 9 of the Laws of Malta.

Also accused of having breached a Court sentence given by Magistrate Dr. Charmaine Galea LL.D. on the 17<sup>th</sup> March 2016.

Having read the affidavit of PC 188;

Having heard the complainant Joanna Kpelafia;

Having heard the accused;

Having examined all the records of the case;

**Considered that:**

After having heard the evidence, and seen the records of the case, the Court is of the opinion that the Prosecution has proved its case against the accused beyond reasonable doubt. The Court has no reason not to believe what Joanna Kpelafia said when she explained that on the 10<sup>th</sup> September 2015 she went to her matrimonial home to find she could not have access to the same as the lock was changed and that the accused even if ordered by the Court to give her a copy of the keys did not comply with such order. She said that she reported the same circumstances on the 24<sup>th</sup> May 2016 because she was still being denied access to the matrimonial home since she was not given a copy of the keys. The accused, in his testimony before this Court, admitted that it was true that he had changed the lock of the main door and that he did not give a copy of the keys to the complainant, even if he was ordered by this Court to do so. He insisted that he is ready to give complainant the keys if he started having access for his children.

The Court therefore has an admission that the accused in fact did change the lock and that complainant is denied access to the matrimonial home till this very day.

The Court also took notice of the judgement delivered on the 17<sup>th</sup> March 2016 whereby the offender was found guilty of a similar charge and condemned accordingly.

Hence, the Court, after taking into consideration all the evidence produced, is of the opinion that the charges laid against the offender have been sufficiently proven.

## **DECIDE**

Hence the Court, for the above reasons, after having seen section 49, 50 and 85 of the Criminal Code, finds the accused **Aminou Kpelafia** guilty of the charges laid against him and condemns him two (2) months imprisonment.

Finally the Court, after seeing article 85 (2) and 377 (3) of the Criminal Code orders **Aminou Kpelafia to give a copy of the keys of the residence Siesta, Triq San Timotju, St. Paul's Bay to Joanna Kpelafia within seven (7) days from today under a penalty of ten euro (€10) for each day of default. The Court explained in clear terms the consequences if he is in default of such order.**

**Dr. Charmaine Galea**  
**Magistrate**

Diane Gatt  
Deputy Registrar