



**COURT OF MAGISTRATES (MALTA)  
AS A COURT OF CRIMINAL JUDICATURE  
MAGISTRATE DR. GABRIELLA VELLA B.A., LL.D.**

**Police  
(Inspector Trevor Micallef)  
Vs  
Istvan Meichl**

**Today, 23<sup>rd</sup> October 2017**

**The Court,**

After having considered the charges brought against Istvan Meichl, son of Istvan and Zsuzsunna neè Varga, born in Hungary on the 5<sup>th</sup> November 1990, residing at “Blue Jade”, Flat 7, Triq Santa Marija, Zebbug, Gozo, and holder of Identity Card No. 166008(A), of having in these islands on the 22<sup>nd</sup> October 2017 at about ten minutes to one in the morning (12:50a.m) in Hugo`s Lounge, St. Julian`s and/or in the vicinity:-

1. Assaulted or resisted by violence or active force not amounting to public violence, persons lawfully charged with a public duty when in the execution of the law or of a lawfully order issued by a competent authority, in violation of Section 96 of Chapter 9 of the Laws of Malta;
2. On the same date, time, place and circumstances reviled, threatened or caused bodily harm on the persons lawfully charged with a public duty, while in the act of discharging his duty or because of having discharged such duty, or with intent to intimidate or unduly influence them in the discharge of such duty, Violation of Section 95 of Chapter 9 of the Laws of Malta;
3. On the same date, time, place and circumstances committed grievous bodily harm on the person of PS 430 Andrew St. John, in violation of Sections 216 and 222(1)(c) of Chapter 9 of the Laws of Malta;
4. On the same date, time, place and circumstances through imprudence, negligence or unskilfulness in his trade or profession, or through non-observance of any regulation, caused damages to a wrist watch styled

- Fossil to the detriment of PS 430 Andrew St. John and/or any other person, in violation of Section 328(d) of Chapter 9 of the Laws of Malta;
5. On the same date, time, place and circumstances wilfully disturbed the public good order or the public peace, in violation of Section 338(dd) of Chapter 9 of the Laws of Malta;
  6. On the same date, time place and circumstances disobeyed the lawful orders of any authority or of persons entrusted with a public service, or hindered or obstructed such persons in the exercise of their duties, in violation of Section 338(ee) of Chapter 9 of the Laws of Malta;
  7. On the same date, time, place and circumstances in any public place or place open to the public was found drunk and incapable of taking care of himself, in violation of Section 338(ff) of Chapter 9 of the Laws of Malta;

After having examined the documents submitted in the records of these proceedings namely: a certificate issued by Mater Dei Hospital pertinent to injuries sustained by Andrew St. John - Doc. "A"; the Police Incident Report pertinent to this case - Doc. "B", declaration signed by the accused relative to the rights granted to him during the investigation - Doc. "C"; a statement given by the accused – Doc. "D", the Conviction Sheet of the accused – Doc. "E", a photocopy of the Hungarian Identity Card of the accused - Doc "F"; a photocopy of the Maltese Residence Document of the accused – Doc. "G" and the consent by the Attorney General in the Maltese Language and English Language – Doc. "H a" and Doc. "H b";

After having heard the accused plead guilty to the charges brought against him and this also after the Court, in terms of Section 453(1) of Chapter 9 of the Laws of Malta, warned him in the most solemn manner of the legal consequences of his guilty plea after having given him sufficient time within which to reconsider and withdraw his guilty plea;

After having heard submissions regarding punishment, and in particular after having heard the Prosecution and the defence counsel declare that the damages, amounting to one thousand six hundred and eighty five Euros (€1,685) have been paid by the accused and that the accused not only apologised for his actions in open Court but also personally apologised to PS430 Andrew St. John;

### **Considers:**

The accused is being charged of having on the 22<sup>nd</sup> October 2017 at about ten minutes to one in the morning (12:50a.m) in Hugo`s Lounge, St. Julian`s

and/or in the vicinity: (1) Assaulted or resisted by violence or active force not amounting to public violence, persons lawfully charged with a public duty when in the execution of the law or of a lawfully order issued by a competent authority, in violation of Section 96 of Chapter 9 of the Laws of Malta; (2) On the same date, time, place and circumstances reviled, threatened or caused bodily harm on the persons lawfully charged with a public duty, while in the act of discharging his duty or because of having discharged such duty, or with intent to intimidate or unduly influence them in the discharge of such duty, Violation of Section 95 of Chapter 9 of the Laws of Malta; (3) On the same date, time, place and circumstances committed grievous bodily harm on the person of PS 430 Andrew St. John, in violation of Sections 216 and 222(1)(c) of Chapter 9 of the Laws of Malta; (4) On the same date, time, place and circumstances through imprudence, negligence or unskilfulness in his trade or profession, or through non-observance of any regulation, caused damages to a wrist watch styled Fossil to the detriment of PS 430 Andrew St. John and/or any other person, in violation of Section 328(d) of Chapter 9 of the Laws of Malta; (5) On the same date, time, place and circumstances wilfully disturbed the public good order or the public peace, in violation of Section 338(dd) of Chapter 9 of the Laws of Malta; (6) On the same date, time place and circumstances disobeyed the lawful orders of any authority or of persons entrusted with a public service, or hindered or obstructed such persons in the exercise of their duties, in violation of Section 338(ee) of Chapter 9 of the Laws of Malta; (7) On the same date, time, place and circumstances in any public place or place open to the public was found drunk and incapable of taking care of himself, in violation of Section 338(ff) of Chapter 9 of the Laws of Malta.

The accused pleaded guilty to all the charges brought against him. In view of guilty plea by the accused, the Court finds the accused guilty of all the charges brought against him.

In so far as concerns punishment the Court, whilst taking into account the nature of the charges brought against the accused, also took into account the fact that the accused apologised for his actions which led to this incident and that he also apologised to the injured party, that the accused has a clean Conviction Sheet and that he submitted a guilty plea at an early stage of the proceedings.

Therefore, after considering Sections 65, 96, 216, 222(1)(c), 328(d), 338(dd), 338(ee) and 338 (ff) of Chapter 9 of the Laws of Malta, the Court whilst reiterating that it is finding the accused guilty of all the charges brought against him, condemns him to eighteen (18) months imprisonment **and** to a fine (*multa*) of four thousand Euro (€4,000).

Since the Court is of the opinion that there are sufficient reasons, namely the early guilty plea by the accused, the fact that he paid for all the damages caused and that he apologised for this incident, including to the injured party, which warrant that the said term of imprisonment hereby imposed be suspended, in terms of Section 28A of Chapter 9 of the Laws of Malta, the said term of eighteen (18) months imprisonment is being suspended for a period of four (4) years from today.

In terms of Section 28A(4) of Chapter 9 of the Laws of Malta, the Court explained to the accused in plain language his liability under Section 28B of Chapter 9 of the Laws of Malta if during the operational period of this suspended sentence he commits an offence punishable with imprisonment.

In so far as concerns the fine (*multa*) of four thousand Euro (€4,000), which fine (*multa*) must be paid irrespective of the suspension of the prison term, the Court grants the accused the possibility to pay the said fine (*multa*) of €4,000 in monthly payments of not less than one hundred Euros each (€100) until the full sum of €4,000 is paid.

The Court is also placing the accused under a Treatment Order in terms of Section 412D of Chapter 9 of the Laws of Malta, and this for him to be able to address the alcohol problem he has, under those terms and conditions set out in a Decree delivered today, which Decree shall form an integral part of this judgment.

The Court explained to the accused the consequences provided for in Section 412D(4) of Chapter 9 of the Laws of Malta, should it be proved to the Court's satisfaction that the accused has failed to comply with any of the requirement or conditions of the Treatment Order.

The Court orders that a copy of this judgment and of Treatment Order dated 23<sup>rd</sup> October 2017, be served on the Director of Probation Services.

**MAGISTRATE**

**DEPUTY REGISTRAR**