



**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.**

**The Police
(Inspector Edel Mary Camilleri)**

vs.

Gurkan Beken

Number: 78/2016

Today 9th of November 2017

The Court,

Having seen the charges brought against **Gurkan Beken**, of thirty five (35) years, born in Turkey, of Turkish nationality, born on the first (1st) May 1981, residing at Bruka Flats, Block D, Flat 1, Triq il-Wied, Zebbug, Gozo and holder of identity card number 161383A, charged with having the fourth (4th) December 2016 at about 22:15hrs in Marsalforn known as Zebbug, Gozo;

1. Assaulted Nibidor Abdala Ahmed and caused him injuries of grievous nature, and this in violation of articles 216(1)(b) and 217 of Chapter 9 of the Laws of Malta;

2. And under the same date, place and circumstances have willfully disturbed the public good order or the public peace. And this in violation of article 338(dd) of Chapter 9 of the Laws of Malta;

The Court was humbly requested that in case of conviction, apart from the punishment applicable, applies Article 383 and/or Article 412 (C) for the safety and protection of person/s allegedly victim/s in this case;

Having seen the documents exhibited and all the acts of the proceedings.

Having seen the Articles of Law sent by the Attorney General on the 30th October 2017 (*a fol.* 157):

- (a) Articles 214, 215, 216(1)(a)(ii)(iii), 216(1)(b), 216(1)(d), 216(2), 217 of the Criminal Code, Chapter 9 of the Laws of Malta;
- (b) Articles 214, 215, 217, 218(1)(a), 218(1)(b), 218(2) of the Criminal Code, Chapter 9 of the Laws of Malta;
- (c) Articles 214, 215, 221(1)(2), 217 of the Criminal Code, Chapter 9 of the Laws of Malta;
- (d) Article 338(dd) of the Criminal Code, Chapter 9 of the Laws of Malta;
- (e) Articles 17 and 31 of the Criminal Code, Chapter 9 of the Laws of Malta;
- (f) Articles 383, 384, 385, 386 and 412C of the Criminal Code, Chapter 9 of the Laws of Malta; and
- (g) Articles 532A, 532B, and 533 of the Criminal Code, Chapter 9 of the Laws of Malta;

Having seen that, during the sitting of the 9th November 2017 (*a fol.* 159), the Articles of Law sent by the Attorney General on the 30th October 2017 (*a fol.* 157) were read out, during which sitting the accused declared that he does not object for his case to be tried and decided summarily.

Having heard all the evidence brought forward by the Prosecution.

Having heard the defence declare that it has no evidence to produce in this case.

Having heard the Prosecuting Officer remit himself to the evidence brought forward in these proceedings.

Having heard the injured party renounce to the criminal action brought against the accused.

Having heard oral submissions by the defence.

Considers:

That it results that the charges brought against the accused have been sufficiently proven.

As regards the punishment to be inflicted, the Court will be taking into consideration various factors, including: the nature of the charges brought against the accused, that the injured party renounced to the criminal action brought against the accused and the clean conviction sheet of the accused.

Consequently, the Court after having seen the Articles of Law sent by the Attorney General on the 30th October 2017 (*a fol.* 157), mainly Sections 216(1)(b), 217, 338(dd) of the Criminal Code, Chapter 9 of the Laws of Malta, finds the accused Gurkan Beken guilty as charged but in view of the above-made considerations and after having seen Section 22 of Chapter 446 of the Laws of Malta, the Court is acquitting the accused on condition that he does not commit another crime within three (3) years from today.

The Court explained to the accused the consequences according to Law if he commits another crime during this period.

Dr. Joseph Mifsud
Magistrate