



Court of Magistrates (Malta)
As a Court of Criminal Judicature

Magistrate Dr. Donatella M. Frendo Dimech LL.D., Mag. Jur. (Int. Law)

The Police
(Inspector Spiridione Zammit)

-vs-

Saleban Ismail Ilmi, holder of Identity Card Number 107031A.

Today the 5th June, 2018

The Court,

Having seen the charges brought against the accused Saleban Ismail Ilmi who is being charged with having:

On the 18th April, 2018, at about 5.30am, and/or time after whilst in 112 Flat 4 Paola Heights Paola and/or in these Islands, without intent to kill or to put the life of another person in manifest jeopardy, caused him grievous bodily harm to the body or health of Rashid Ibrahim Eynanshe as medically certified by Dr. Maria Axiaq from Mater Dei Hospital.

Furthermore with having, under the same circumstances, attempted to use force against Rashid Ibrahim Eynanshe with intent to insult, annoy or hurt him unless the fact constitutes some other offence under any other.

Furthermore with having, under the same circumstances, uttered insults to Rashid Ibrahim Eynanshe or threatened any threats not otherwise provided for in Chapter 9 of the Criminal Code of Malta

In case of guilt the Court was kindly requested to provide the personal security of Rashid Ibrahim Eynanshe and apply the Articles of 383, 384 and 385 of Chapter 9 of the Criminal Code of Malta.

Having heard the accused plead guilty to the charges brought against him notwithstanding the fact that the Court 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;

Having heard witnesses.

Having seen all the acts and documents exhibited;

Having heard the prosecution and defence counsel make their submissions;

Considers:

Having heard the guilty plea of the accused to the charges brought against him, the Court has no alternative but to declare the accused guilty of the said charges.

With regards to punishment the Court took into consideration the accused's early admission, the nature of the offences with which he stands charged, his clean criminal record and all the circumstances of the case, in particular the fact that the victim has fully forgiven the accused with whom he shares an apartment and insisted that the incident did not dent the strong friendship he has with Ilmi.

For the said reasons, the Court, after having seen articles 17, 216(b) and 339(d)(e) of Chapter IX of the Laws of Malta, upon his admission, finds the accused guilty of the charges brought against him, and by application of article 22 of Chapter 446 of the Laws of Malta, discharges him on condition that he does not commit another offence within the next three (3) years.

The Court explained to the accused, in ordinary language, the consequences should he choose to commit another offence within the period of three years.

Dr Donatella M. Frendo Dimech LL.D., Mag. Jur. (Int. Law).
Magistrate

