



MALTA

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

**MAGISTRATE
DR. CHARMAINE GALEA**

Today the 26th September 2018

**The Police
(Inspector Matthew Spagnol)**

vs

**Omar Ismail Abdimalik
(ID: 0110433A)**

The Court:

Having seen that the offender **Omar Ismail Abdimalik** was accused of having in the Maltese Islands or/and on the 25th September 2018 at around ten minutes to three in the morning (02:50hrs):

1. Failed to observe any conditions imposed on him in the decree signed by Magistrate Dr. A. Bugeja LL.D. on the 17th August, in which he was released on bail under a personal guarantee. (Kap 9 Art 579).

The Court was kindly requested that together with the punishment applicable for the mentioned accusation, revoke *contrario imperio* the decree for release of bail and orders the re-arrest of the mentioned Omar Ismail Abdimalik, and also orders that the amount indicated as personal guarantee shall be forfeited in favour of the Government of Malta.

After having seen all the records of the case;

After having heard Police Inspector Matthew Spagnol and the accused;

After having heard the oral submissions;

Considered that:

From the evidence brought forward it results beyond reasonable doubt that the accused failed to sign the bail book as ordered in the bail decree dated 17th August 2018 and also that he was found in St. Julians, a locality where he was prohibited to go or visit.

The defence submitted that the accused did not understand his obligations imposed in the bail decree as he does not understand English very well. From the bail conditions exhibited by the Prosecution it results that the accused signed the bail conditions and therefore was obliging himself to follow the same. The Court also observes that the accused himself could not offer to the Court a fixed address of where he lives.

In the circumstances the Court finds that the Prosecution has proved its case beyond reasonable doubt.

DECIDE

For these reasons, the Court, after having seen section 579 of Chapter 9 of the Laws of Malta, declares the accused **Omar Ismail Abdimalik** guilty of the charge laid against him and condemns him to four (4) months imprisonment.

Additionally the Court orders that the personal guarantee in the amount of ten thousand euro (€10,000) be forfeited in favour of the Government of Malta. The Court is also revoking *contrario imperio* the bail decree dated 17th August 2018 and orders the re-arrest of **Omar Ismail Abdimalik**.

The Court orders that this judgement be notified to the Registrar of the Criminal Courts so that the necessary measures be taken for the forfeiture of the personal guarantee.

Dr. Charmaine Galea
Magistrate

Diane Gatt
Deputy Registrar