

**Court of Magistrates (Gozo)
as a Court of Criminal Judicature**

**Magistrate Dr Brigitte Sultana LL.D. LL.M. (Cardiff), Adv. Trib. Ecc.
Melit.**

Sitting of today, the 17th of December 2019.

**The Police
Inspector Bernard Charles Spiteri**

vs

Najah Said Mohamed

The Court;

Having seen the charges brought forward against **Najah Said Mohamed**, holder of identity card number 116959A and residence permit MT2647979 aged 23 years, son of Said Mohamed and Khadan nee' Omer, born at Mogadishu, Somalia, on the 1st January 1996 and resides at 11, 'Tal-Melha Court', Block H, Triq is-Sajjied, Marsalforn limits of Zebbug Gozo with having on the 7th August 2019, between 00:00hrs and 00:30hrs, whilst being at Mungbell street, Marsalforn limits of Zebbug Gozo and/or in the vicinities;-

1. Without the intent to kill or put the life in manifest jeopardy, caused grievous injuries on the person of Osman Ahmed Jama as certified by Dr. Joseph Galea M.D. Reg. No. 2682 and this in breach of article 214, 216 and 218 of Chapter 9 of the Laws of Malta.
2. **And also with having on the same date, time, place and circumstances** at night time, disturbed the repose of the inhabitants, by rowdiness or bawling or in any other manner and this in breach of article 338 (m) of Chapter 9 of the Laws of Malta.
3. **And also with having 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 and this in breach of article 338 (ff) of Chapter 9 of the Laws of Malta.

The Court is being kindly requested, where it deems expedient, in order to provide for the safety of Osman Ahmed Jama or for the keeping of the public peace, in addition to,

or in lieu of the punishment applicable to the offence, require the offender to enter into his own recognizance in a sum of money to be fixed by court.

Thus whilst I am exhibiting copies of the residence permit and conviction sheet, humbly request that this case would be investigate according to the law.”

Considering:

Having seen that during the sitting of the 10th December 2019 this Court ordered that proceedings be carried out in the English language and nominated an interpreter, Hamza Yusuf Mahmoud to translate for the benefit of the accused the proceedings from English to Somali, and that during the same sitting the interpreter swore by the Qoran and that the Prosecuting Officer confirmed the charges on oath;

Having seen all the acts and the documents exhibited during the course of the proceedings;

During the same sitting the Court heard the accused plead guilty to all the charges brought against him;

The Court, in view of this declaration warned the accused in the most solemn manner about the consequences arising out of his guilty plea and granted him a reasonable time in order for him to retract this guilty plea. After that the Court granted this time to the accused, and after consulting with his legal counsel, the accused reiterated that he is guilty as charged. In view of this declaration, duly reiterated, the Court had no option but to find the accused guilty as charged;

Having seen the records of the proceedings as well as the criminal record sheet of the accused;

Having heard the final oral submissions of the Prosecuting Officer and of the Legal Counsel to the accused;

Having seen that in this case the injuries were classified as grievous by Dr. Joseph Galea (Med. Reg. 2682);

With regards to the punishment to be meted out the Court deems that though the accused entered a guilty plea and did collaborate with the police yet the offence committed by him was a serious one. During the hearing it transpired that the accused has a steady job and is even attending evening classes and hence the Court deemed fit to release the

accused on bail until the date of delivery of judgement and this subject to a personal guarantee of six thousand euro (€6000).

Decide:-

Therefore the Court following the admission by the accused, hereby finds and declares Najah Said Mohammed guilty of all the charges brought against him and after taking cognisance of Art. 214, 216, 218, 338 (m), 338 (ff), and 383 , of Chapter 9 of the Laws of Malta sentences him to twenty three (23) months imprisonment which by application of Art.28A of the Laws of Malta are being suspended by three (3) years.

In terms of Article 28A(4) of the Criminal Code, the Court declares and explains in ordinary language to the accused his liability in terms of Article 28B of the Criminal Code if during the operational period he commits an offence punishable with imprisonment.

Delivered today the 17th December 2019 at the Courts of Magistrates, as Court of Criminal Inquiry, Gozo.

**(sgd.) Dr. Brigitte Sultana
Magistrate**

**(sgd.) Maureen Xuereb
D/Registrar**

True copy

f/Registrar