



CONSTITUTIONAL COURT

JUDGES

**THE HON. CHIEF JUSTICE MARK CHETCUTI
THE HON. MR JUSTICE GIANNINO CARUANA DEMAJO
THE HON. MR JUSTICE ANTHONY ELLUL**

Today, Wednesday, 12th August, 2020.

Application number: 274/20

Elton Gregory Dsane

v.

L-Avukat tal-Istat

The Court:

Having seen the application filed by applicant on the 6th August 2020 for the provisional enforcement of the judgment delivered by the First Hall of the Civil Court on the 30th July 2020.

Having seen the reply of the State Advocate filed today.

Article 266 provides for the provisional enforcement of judgments.

Application Number: 274/20

In this case, the first court ordered the variation of a judgment delivered by the Court of Magistrates (Malta) as a Court of Criminal Judicature on the 1st May 2019, and reduced the term of imprisonment to one year six months.

The applicant claims that he has served the punishment and therefore the provisional enforcement of the judgment is justified.

However, the matter is still *sub judice* and this Court will deliver final judgment on the 24th August 2020. Furthermore, there is no clear evidence that applicant has served the punishment meted out by the first Court, since the eighteen (18) months have not yet lapsed from the date when applicant was arrested on his arrival to Malta.

In the circumstances, the Court rejects applicant's request with costs.

Mark Chetcuti
Chief Justice

Giannino Caruana Demajo
Judge

Anthony Ellul
Judge

Deputy Registrar
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