



MALTA

**COURT OF MAGISTRATES (MALTA)
AS A COURT OF CRIMINAL JUDICATURE**

MAGISTRATE DR IAN FARRUGIA LL. D

Today 22nd December 2020

**The Police
(Inspector Jonathan Cassar)**

**Vs
Sakariye Abdirahman Hassan**

The Court;

Having seen the charges brought against Sakariye Abdirahman Hassan, holder of Maltese Residence Permit number 113377A and/or Ref Com Number 15522/17,

And charge him with having between the 5th November 2020 at around nine o'clock at night (21:00) hrs and the 6th November 2020 at around Midnight (00:00) hrs in St. Julian's, Malta;

1. Without the intent to kill or put the life of Mohammed Abdalla Mahmoud, Id card number 63693A in manifest jeopardy, caused harm to his body

or health, which bodily harm is considered grievous; (Articles 214, 215, 216(1)(b), 218(1)(a)(b) of Chapter 9 of the Laws of Malta;

2. Attempt to use force against any person with intent to insult, annoy or hurt Mohammed Abdalla Mahmoud Id number : 63693A; (Article 339(1)(d) of Chapter 9 of the Laws of Malta;
3. Wilfully disturbed the public good order or the public peace; (Article 338(dd) of Chapter 9 of the Laws of Malta;
4. For being a recidivist after being sentenced for an offence by various judgments issued by the Court of Magistrates (Malta) presided by different Magistrates, which judgments has become absolute; (Articles 49 and 50 of Chapter 9 of the Laws of Malta;

This honourable Court is humbly being requested to issue a protection order against the accused in order to provide the security to Mohammed Abdalla Mahmoud id no 63693A of for keeping public peace or for protecting the injured person or other individuals from harassment or other conduct which will cause a fear of violence in according to Article 412C of Chapter 9 of the Laws of Malta

Having heard prosecuting officer on oath;

Having seen all the documents exhibited in the acts of these proceedings;

Having seen the testimony of the victim Mohammed Abdalla Mahmoud tendered on the 17th of November 2020;

Having heard accused plead guilty to the charges brought against him during today's sitting and his insistence on such guilty plea after being given time according to law to reconsider;

Having considered accused's declaration as minuted in today's sitting, following his guilty plea, that he had enough time to think and reconsider such guilty plea, that he clearly understood the nature of the charges brought against him, and that he understood clearly that his guilty plea, as pointed out by this Court, was to lead to serious consequences in terms of punishment;

Having heard submissions by the prosecution and the defence in terms of punishment;

Considers;

That in view of the accused's guilty plea to all charges proffered against him, and since there is no reason emanating from these proceedings why this Court should not accept such plea, it is the duty of this Court to proceed with judgement and declare the accused guilty as charged. However, the Court points out that the accused's guilty plea is definitely consonant with the testimony tendered by the victim.

In terms of punishment, this Court is taking into particular consideration the fact, on the one hand, that the accused pleaded guilty at an early stage in these proceedings and on the other, the serious nature of the charges proffered against him. The Court cannot ignore the serious consequences of any kind of violence perpetrated against another individual.

In the context of punishment, the Court observes that from the conclusive evidence tendered by the prosecution with regards to the grievous nature of the bodily harm suffered by the victim, it is safe to conclude that the case is duly founded in terms of Article 216 and not in terms of Article 218 of Chapter 9 of the Laws of Malta.

Conclusion;

THEREFORE, THE COURT, having seen Articles 17, 31, 49, 50, 214, 215, 216(1)(b), 338(dd), and 339(1)(e) of Chapter 9 of the Laws of Malta, finds and declares offender **Sakariye Abdirahman Hassan**, as a recidivist, upon his own admission of guilt, guilty as charged and condemns him to a term of imprisonment of twenty one (21) months.

Following oral submission made by the defence, the court deems it proper to direct the Director of Prison to afford **Sakariye Abdirahman Hassan** all the help necessary that he may be entitled to especially with regards to his anger management.

Dr Ian Farrugia LL. D
Magistrate

Marica Mifsud
Deputy Registrar