



**COURT OF MAGISTRATES (MALTA)  
AS A COURT OF CRIMINAL JUDICATURE  
MAGISTRATE DR. GABRIELLA VELLA B.A., LL.D.**

**Police  
(Inspector Jonathan Ransley)**

**Vs**

**Kumar Vineet**

**Today 15<sup>th</sup> May 2022**

**The Court,**

After having considered the charges brought against Kumar Vineet, thirty one (31) years of age, born in India on the 28<sup>th</sup> April 1991, son of Kulveerlal and Shashi neè Kiran, residing at Victoria Flats, Flat 5, Triq Dun Xand Cortis, Birkirkara and holder of Identity Card Number 205788A, of having on the 13<sup>th</sup> May 2022 and/or in the previous days in Sliema and/or on these islands:

1. With an intent to cause distress, emotional harm, or harm of any nature, took or disclosed a private sexual photograph or film without the consent of the person or persons displayed or depicted in such photograph or film, that is Kaya Calleja and other persons;
2. Subjected Kaya Calleja and other persons to any act and, or conduct with sexual connotations, including spoken words, gestures and, or the production, display or circulation of any written words, pictures, and or any material, where such act, words, and or conduct was unwelcome to Kaya Calleja and other persons, and could be reasonably be regarded as offensive, humiliating, degrading, and, or intimidating towards those persons;
3. By means of an electronic communications network or apparatus made any other improper use thereof;

After having considered the documents submitted by the Prosecution namely: (i) statement given by the accused marked as Doc. "A"; (ii) The Consent by the

Attorney General in terms of Section 370(4) of Chapter 9 of the Laws of Malta both in the Maltese language and the English language marked as Doc. “B1” and Doc. “B2”; (iii) A photocopy of the accused’s residence permit marked as Doc. “C”; (iv) The Conviction Sheet of the accused marked as Doc. “D”; and (v) The accused’s mobile marked as Doc. “E”.

After having heard the accused declare that he has no objection to his case being dealt with summarily and plead guilty to the charges brought against him, which guilty plea was confirmed by him even after the Court, in terms of Section 392A(1) of Chapter 9 of the Laws of Malta, warned him in the most solemn manner of the legal consequences of his guilty plea and after having given him sufficient time within which to reconsider and withdraw the said guilty plea;

After having considered all the records of the proceedings;

**Considers:**

The accused is being charged of having on the 13<sup>th</sup> May 2022 and/or in the previous days in Sliema and/or on these islands: (1) with an intent to cause distress, emotional harm, or harm of any nature, took or disclosed a private sexual photograph or film without the consent of the person or persons displayed or depicted in such photograph or film, that is Kaya Calleja and other persons; (2) subjected Kaya Calleja and other persons to any act and, or conduct with sexual connotations, including spoken words, gestures and, or the production, display or circulation of any written words, pictures, and or any material, where such act, words, and or conduct was unwelcome to Kaya Calleja and other persons, and could be reasonably be regarded as offensive, humiliating, degrading, and, or intimidating towards those persons; and (3) by means of an electronic communications network or apparatus made any other improper use thereof.

The accused pleaded guilty to the charges brought against him and in the light of said guilty plea the Court finds him guilty of the said charges so brought against him.

In so far as concerns punishment the Court took into consideration the nature of the charges brought against and it also took into account the fact that the accused co-operated with the Police during the investigation of this case, that he submitted a guilty plea at an early stage of the proceedings and that he has a clean Maltese conviction sheet.

Now therefore after considering Sections 17(h), 208E(1), 251A(1)(e) of Chapter 9 of the Laws of Malta and Section 49(c) of Chapter 399 of the Laws of Malta, the Court, whilst reiterating that it is finding the accused guilty of the charges brought against

him, condemns him to two (2) years imprisonment, however, it deems that in the circumstances of this case there are sufficient reasons, namely the clean Maltese conviction sheet of the accused and the fact that he co-operated with the Police during the investigation of this case, which warrant that the said term of imprisonment be suspended, and therefore in terms of Section 28A of Chapter 9 of the Laws of Malta, suspends the said term of two (2) years imprisonment imposed on the accused for a period of four (4) years from date of this judgment.

In terms of Section 28A(4) of Chapter 9 of the Laws of Malta, the Court explained to the accused in plain language his liability under Section 28B of Chapter 9 of the Laws of Malta, if during the operational period of this suspended sentence he commits an offence punishable with imprisonment.

In terms of Section 23 of Chapter 9 of the Laws of Malta the Court orders the forfeiture of Document “E” and the destruction of the same. It also orders that the photos taken by the accused forming merits of the case, be permanently deleted even if the same have been uploaded and stored remotely. This procedure is to be executed by the Cyber Crime Unit, which unit is to be served with a copy of this judgement.

In terms of Section 370(6) and 392(A) of Chapter 9 of the Laws of Malta, the Court orders that within six (6) working days from date of this judgement, the Attorney General shall be given access to a scanned copy of the records, together with access to a scanned copy of the judgment

**MAGISTRATE**

**DEPUTY REGISTRAR**