



**COURT OF MAGISTRATES (GOZO)
AS A COURT OF CRIMINAL JUDICATURE
MAGISTRATE DR. SIMONE GRECH**

Case No. 65/2022

The Police

(Inspector Bernard Charles Spiteri)

Vs

Juljan Bajramaj

Today, 21st June 2023

The Court,

After considering the charges brought against Juljan Bajramaj, aged 32 years old, holder of Maltese Identity card number 178040(A) of having on the 3rd April 2022 at about 00.30hrs whilst being at The Country Terrace, Zewwieqa street, Ghajnsielem Gozo and/in the vicinities:

1. *Without the intent to kill or put the life in manifest jeopardy caused grievous bodily harm on the person of James Vella as certified by Dr. Michael Portelli M.D. Reg.No. 2492 and this in breach of articles 214 and 216 of Chapter 9.*
2. *And also with having on the same date, time, place and circumstances wilfully disturbed the public good order or the public peace and this in breach of article 338(dd) of chapter 9.*

*The court is being kindly requested, where it deems expedient, in order to provide for the safety of **James Vella**, 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.*

After considering the documents submitted by the Prosecution;

After hearing witnesses which were brought before it;

After hearing the accused plead guilty to the charges brought against him, which guilty plea was reiterated by him and this also after the Court warned him in the most solemn manner of the legal consequences of his guilty plea after having given him sufficient time within which to reconsider and withdraw his guilty plea;

After having heard submissions regarding punishment by the Prosecution and Defense Counsel;

After having considered all the records of the proceedings;

After having seen all the acts of the case;

Considers:

The accused is being charged with having, without the intent to kill or to put the life of any person in manifest jeopardy, caused grievous bodily harm to the body or health of another, James Vella, as certified by Dr. Michael Portelli, in violation of Section 216 of Chapter 9 of the Laws of Malta; and of furthermore, wilfully disturbed the public good order or the public peace by shouting and fighting in violation of Section 338(dd) of Chapter 9 of the Laws of Malta.

The accused pleaded guilty to all the charges brought against him.

Notwithstanding that the accused pleaded guilty to both charges, it transpires that the second charge is prescribed as the accused first appeared before the Court on the 7th February 2023. No other previous order of service with regards to the accused was presented.

Moreover, in view of said guilty plea, the Court deems it fit to find the accused so guilty of the first charge brought against him.

In so far as concerns punishment the Court took into account the nature of the charges brought against the accused but it also took into account the fact that the accused has a clean conviction sheet and that he registered a guilty plea during the early stages of these proceedings.

Decide

Now therefore, after having read and considered Sections 214 and 216(1)(d) of Chapter 9 of the Laws of Malta, the Court finds the accused, upon his own admission, guilty of the first charge brought against him. Having regard to the circumstances of the case, including the nature of the charges brought against the accused and the character of the accused, who has a clean conviction sheet, and deeming that it is not expedient to inflict punishment and a Probation Order, a Community Service Order or a Combination Order are not appropriate in this case, in terms of Section 22 of Chapter 446 of the Laws of Malta, the Court is discharging the accused subject to the condition that he does not commit another offence during the period of three (3) years from date of this judgement.

In terms of Section 22(3) of Chapter 446 of the Laws of Malta, the Court explained to the accused in ordinary language that if he commits another offence during the period of three (3) years conditional discharge set above, he will be liable to be sentenced for the original offences.

In terms of Section 382A of Chapter 9 of the Laws of Malta, the Court is issuing a restraining order in favour of James Vella for a period of three years and under those conditions as contained in the decree given today, which decree shall form an integral part of this decision.

As regards the second charge, the Court declares that this second charge is prescribed and consequently declares the action relating to this second charge as extinguished.

In terms of Section 392A(2) of Chapter 9 of the Laws of Malta, the Court orders that 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.

(sgd) DR. SIMONE GRECH
MAGISTRATE

**(sgd) DIANE FARRUGIA
DEPUTY REGISTRAR**

True Copy

For The Registrar