



COURT OF MAGISTRATES (MALTA)
AS A COURT OF CRIMINAL INQUIRY
MAGISTRATE DR. KEVAN AZZOPARDI B.A. LL.D

Today the 15th of July 2023

The Police

(Inspector Christian Cauchi)

VS

Ferenc-Attila Csepin- Darjan

Holder of Romanian Identity card number CJ 480047

The Court:

Having seen that the accused Ferenc-Attila Csepin- Darjan of 42 years, son of Frances and Magdalena Csepin, born on the 16th May 1981 in Romania, without fixed address and holder of Romanian Identity card number CJ 480047 was arraigned under arrest;

Having seen the charges brought against the accused, that is:

And Charge him with having on Friday 14th July 2023 at around 19: 10hrs and in the previous hours near Lino Tanti Snack Bar Kiosk situated in Dawret il-Gzejjer, San Pawl il-Bahar, and/or in these Maltese islands:

1. Without intent to kill or to put the life of Denzel Simonini in manifest jeopardy, caused grievous bodily harm to the body or health of Denzel Simonini and caused him to suffer from grievous injuries as certified by Dr Med Alexander Paul Grima M.D, with medical registration number 4137 from Mater Dei hospital in terms of Articles 214,216 and 218 of the Criminal Code of Chapter 9 of the Laws of Malta.
2. Wilfully disturbed the public good order or the public peace in terms of Article 338(dd) of the Criminal Code, of Chapter 9 of the Laws of Malta.
3. Uttered insults and/or threats not otherwise provided for in this Code, or if you were provoked, carried his insults beyond the limit warranted by the provocation of Denzel Siminini in terms of Article 339(1)(e) of the Criminal Code, Chapter 9 of the Laws of Malta.

The Court was requested that in case of guilt to provide for the security of Denzel Simonini and his relatives in terms of articles 382A, 383, 384, 385, 412C of the Criminal Code, Chapter 9 of the laws of Malta.

The Court was also requested that in case of guilt, in pronouncing judgment or in any subsequent order, to sentence the person convicted to the payment, wholly or in part, to the registrar, of the costs incurred in connection with the employment in the proceedings of any expert or referee, including such experts as would have been appointed in the examination of the process verbal of the inquiry, within such period and in such amount as shall be determined in the judgment or order in terms of articles 533 of the Criminal Code, Chapter 9 of the laws of Malta.

Having seen the examination of the accused, whereby he registered a guilty plea soon after the prosecution read and confirmed the charges under oath.

Having seen the evidence tendered by the prosecution.

Having seen the acts of the case.

Having heard the defence counsel and the prosecuting officer's final oral submissions in relation to the punishment to be inflicted upon the accused.

Considerations:

This is a case where according to the information available to the prosecuting office, a brawl ensued between the accused and another person whilst waiting in queue at an open air restaurant. Subsequently it appeared that the accused punched a person in the face, and in terms of the medical certificate released by the emergency doctor, the nature of the injuries were of a grievous nature. The prosecuting officer however confessed that the brawl was a minor one, yet the certificate presented to the police which indicated that the injuries were of a significant nature, added to the gravity of the charges.

The accused admitted to the charges brought against him at the very first opportunity.

The Court considered the circumstances of the accused as presented by his defence counsel, and the fact that the accused was tired and irritable and that he was sorry for his actions.

Decision

For these reasons, the Court, having seen article 214, 216, 218, 338(dd) and 339(1)(e) of the Criminal Code, Chapter 9 of the Laws of Malta, upon the admission of the accused, finds the said accused guilty of the charges brought against him, and condemns him to the penalty of one (1) year imprisonment, and after having seen Article 28A of the Criminal Code, Chapter 9 of the Laws of Malta, orders that the defendant be dealt with through a suspended sentence, provided that the sentence inflicted shall not begin to take place except if, during the two (2) year period that begins to count from the date of this order, the offender commits another crime

punishable by imprisonment, and after that a competent court orders in terms of article 28B of the Criminal Code, Chapter 9 of the Laws of Malta that the original judgement should begin to take effect.

The Court, in terms of subarticle (4) of article 28A of the Criminal Code, Chapter 9 of the Laws of Malta, warned the offender about the legal consequences should he commit another crime within the prescribed operative period of the suspended sentence.

Kevan Azzopardi B.A. LL.D
Magistrate

Josanne Gauci
Deputy Registrar