



In the Court of Magistrates (Malta)
As a Court of Criminal Judicature
Magistrate Dr. Yana Micallef Stafrace LL.D.

The Police

(Inspector Eman Hayman)

Vs

Marina Sergeevna Buschaeva

Msida Sitting

Today, 19th June 2024

The Court,

After having considered the charges brought against Marina Sergeevna Bushaeva born in Russia on the nineteenth March of the year one thousand nine hundred and eighty (19.03.1980) residing at 9, Ice, Flat 2, Triq l-Isqof F.S. Caruana, Msida holder of identity card number 147712 (L)

Charged with having made several acts even if at different times that constituted violations of the same provision of the Law which were committed in pursuance of the same design and i.e. on the 16/07/2020 and the previous days and months somewhere in the Maltese Islands

- 1) By means of an electronic communications network or apparatus made any other improper use thereof.

Should the Court find the accused guilty of these charges, it is kindly asked to implement articles 382A and 383 of Chapter 9 for the protection of Roderick Galea.

Having seen the affidavit of WPC 118 Clarissa Scerri filed with the writ of summons. The court heard the evidence of Roderick Galea who exhibited whatsapp messages Dok RG and RG 1;

Having seen that on the 11th October 2023 the prosecution rested its case and the accused declared that she is not going to testify.

Having seen article 49(c) of Chapter 399 of the Laws of Malta

Considers

Affidavit of WPC 118 Clarissa Scerri. On the 17/07/2020 at around 12:45 hrs the accused reported that she is being harassed by her neighbour a certain Roderick and gave her version. On the 18/07/2020 at around 20:00hrs Roderick Galea reported at the Msida Police Station as he was instructed to do. He was given the right to consult with the lawyer of his choice in which he accepted. Afterwhich he gave his version. He alleged that the accused referred to him as 'mignun' and 'liba'. Both parties were informed that court charges are going to be issued against them.

Roderick Galea tendered his evidence on the 11th October 2023. He states that is the first report that he has lodged.

Considers

The accused is being charged with the offence contemplated in article 49 (c) of Chapter 399 of the laws of Malta, "Electronic Communications (Regulation) Act" .

The only evidence that has been produced in this case is the police of officer who has received the report and the evidence of Roderick Galea who has produced screen shots of a whatsapp conversation.

The Court notes that the prosecution has not produced any evidence to link these messages to the accused. The court deems that the testimony of the parte civile is not sufficient to prove the guilt of the accused beyond reasonable doubt. In this case the prosecution failed to produce the best evidence to prove the ownership of the telephone number.

Decision

Consequently for the above-mentioned reasons, the Court, after having seen articles 49(c) of Chapter 399 of the Laws of Malta finds the accused **Marina Sergeevna Bushaeva** not guilty of all charges and acquits her of all charges against her.

Magistrate Dr Yana Micallef Stafrace LL.D.

Doris Serpina Sciberras

Deputy Registrar

