



Court of Magistrates (MALTA)
AS A COURT OF CRIMINAL JUDICATURE
Magistrate Dr. Jean Paul Grech B.A., LL.D
M.Juris (Int. Law), Adv. Trib. Eccl. Melit

JUDGEMENT

Today, Monday, the twenty-fourth (24th) June 2024

Case Number 4989/2024

The Police
(Inspector Brian Xuereb)

VS

Andrew Bryan Duffy

The Court,

Having seen the charges brought against **Andrew Bryan Duffy** born in Ashford, United Kingdom on the twenty-fifth (25th) June 1990 and currently residing at Room 211, Grand Suites, Triq ir-Rebħa, Gżira, Malta holder of UK Passport Number 5513 69128 for having on the twenty-third (23rd) of June 2024 between 00:15hrs and 00:45hrs at Cork's Irish Pub, St George's Street, in St Julian's and/or the Maltese Islands caused slight bodily harm on Arsalan Khan Tareen.¹

¹ Article 221(3) of Chapter 9 of the Laws of Malta.

Having seen all the documents which were exhibited by the Prosecuting Officer;

Having heard the accused admit to the charge brought against him.

Having warned the accused in the most solemn manner about the legal consequences emanating from such a declaration of guilt;

Having given to him adequate time to reconsider his guilty plea;

Having heard the accused reconfirm his guilty plea;

Having seen that there are no valid reasons in accordance with article 392A(3) of Chapter 9 of the Laws of Malta for the Court to doubt whether the offence has really taken place; nor to doubt whether the accused is guilty of the offence brought against him;

Having heard submissions on punishment by the Prosecuting Officer and the Defence;

Considers;

The facts of the case are as follows: the accused together with his girlfriend were having drinks at Cork's Irish Pub in St George's Street, St Julians. The injured party approached the accused's girlfriend and started sexually harassing her and annoying her. The accused warned him to stop several times. However, the injured party ignored these warnings and persisted in his actions. At one point the accused lost it and he punched the injured party once in his face causing slight injuries to his lip.

Considers;

Since the accused admitted to the charge, the Court has no option but to find the accused guilty of the charge brought against him.

As regards punishment, the Court shall be taking into consideration the following:

- (a) the whole incident was provoked by the injured party who persistently sexually harassed the accused's partner and this in the presence of the same accused;
- (b) the accused had warned the injured party several times to desist from passing disparaging sexual comments vis-à-vis his girlfriend. The injured party opted to ignore these warnings and persisted in his actions;
- (c) the accused action was a one-off action aimed at warding off the persistent sexual harassment which his girlfriend was suffering.

Though violence is never justified, the circumstances of this case merit the imposition of a conditional discharge.

- **Decide**

Consequently for the reasons outlined above and following the accused's unconditional guilty plea and after having seen article 221(3) of Chapter 9 of the Laws of Malta, the Court is finding the accused Andrew Bryan Duffy guilty of the charge brought against him.

After having seen article 22 of Chapter 446 of the Laws of Malta, the Court is discharging the offender on condition that he does not commit another offence within a period of two (2) years from today.

In terms of article 22(3) of Chapter 446 of the Laws of Malta the Court warned the offender of the resulting consequences should he commit another offence during the period of conditional discharge.

Finally the Court after having seen article 383 of Chapter 9 of the Laws of Malta in order to provide for the safety of Arsalan Khan Tareen is ordering the offender to bind himself not to molest, threaten or annoy the same Arsalan Khan Tareen and this for a period of one (1) year from today. Should the offender fail to abide by this guarantee a penalty of five hundred euro (€ 500) shall be due to the Government of Malta.

Dr. Jean Paul Grech
Magistrate