



**Court of Magistrates (Malta)
As A Court of Criminal Judicature**

Magistrate Dr. Donatella M. Frendo Dimech LL.D., Mag. Jur. (Int. Law)

Today, the 3rd of July, 2024

Criminal Proceedings No. 30/2024

The Republic of Malta

-vs-

Lamin Seckan, holder of a Maltese identity card with the number 9004309A

The Court,

Having seen the charges brought against the person charged **Lamin Seckan** who is being charged with having:

On the tenth (10th) of December of the year two thousand and twenty-three (2023), sometime between eight in the afternoon (20:00) and ten at night (22:00), in 98, FL 1, Triq Villambrosa, Hamrun and/or in other places in these Islands:

1. Without the intent to kill or put the life of any person in manifest jeopardy, caused harm to the body or health of another person by the name of **Ndao Sangouye** which harm is of a grievous nature and was committed with a cutting or pointed instrument and this when they were living in the same household as per Article 222(1)(a) of the Criminal Code Chapter 9 of the Laws of Malta;

2. And furthermore that, at the same time, place and circumstances, uttered insults or threats not otherwise provided for in this Code, or being provoked, carried his insult beyond the limit warranted by the provocation;

This Court is being humbly requested to provide security for **Ndao Sangouye** as the Court sees fit and necessary and under all the conditions that deems appropriate, issues an order of protection in terms of Article 412C, of Chapter 9 of the Laws of Malta;

The Court is requested, if deemed appropriate, to issue a treatment order as per Article 412D of Chapter 9 of the Laws of Malta;

The Court is also being humbly requested that in the case of guilt, in addition to the punishment in accordance with the law, the Court is humbly requested to apply Article 15A of Chapter 9 of the Laws of Malta;

The Court is also being humbly requested that in the case of guilt, in addition to the punishment in accordance with the law, orders the accused to pay the costs incurred in terms of Article 532B and/or Article 533 of the Criminal Code, Chapter 9 of the Laws of Malta;

The Court is also being humbly requested that in the case of guilt, in addition to the punishment in accordance with the law, the Court is humbly requested to apply Articles 382, 383, 384, u 385 of Chapter 9 of the Laws of Malta;

Having Considered,

Whereas having, on the 21st February, 2024, heard the person charged plead guilty to the charges brought against him notwithstanding the fact that the Court 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 his guilty plea;

Having heard witnesses;

Having seen all the acts and documents exhibited;

Having heard the prosecution and defence counsel make their submissions;

Considers,

Having heard the defendant guilty pleas to the charges brought against him, the Court has no alternative but to declare him guilty of the said charges.

With regards to punishment the Court took into consideration the defendant's admission of guilt, his clean criminal record, the nature of the offences of which he stands charged and the circumstances of the case. Consideration was also given to the Probation Officer's report from which it transpires that the defendant has mental health ailments.

In view of the above, the Court, after having seen Articles 17, 31, 202(h)(v), 214, 215, 216(1)(a)(i)(ii), 217, 222(1)(a) and 339(1)(e) of the Criminal Code, Chapter 9 of the Laws of Malta, finds the defendant guilty of the charges brought against him, and condemns him to three (3) years imprisonment. However the period which the defendant spent in preventive custody is to be reduced from the three year prison term as provided by Article 22 of the Criminal Code.

Moreover in terms of Article 412D of the Criminal Code the Court is placing the defendant under a treatment order so that he is administered psychiatric help as recommended by the Probation Officer.

In terms of Article 382A of the criminal Code, the court is issuing a restraining order against the defendant in favour of Ndao Sangouye.

The Court orders that a copy of this judgement be notified to the Director of Probation Services.

Finally in terms of Article 392A(2) of the Criminal Code, the Court orders that within six (6) working days, the Attorney General shall be given access to a scanned copy of the records, together with access to a scanned copy of the judgment.

Dr. Donatella M. Frendo Dimech LL.D., Mag. Jur. (Int. Law)
Magistrate

Notification: Department of Probation and Parole.