



Court of Magistrates (Gozo)
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, Thursday, the twenty-sixth (26th) of September 2024

Case Number 30/2024

The Police

(Inspector Josef Gauci)

VS

Charles Mintoff

The Court,

Having seen the charges brought against **Charles Mintoff**, born in the United Kingdom on the twenty-third (23rd) of May 1945, and residing at Shangri La, Triq it-Tabib Anton Tabone, Victoria, Gozo holder of identity

card number 181001(L) for having failed to pay his wife Maria Mintoff the maintenance allowance due to her and his children for the months of May 2023, June 2023, July 2023, August 2023 and September 2023 and this as ordered by Magistrate Dr Brigitte Sultana by virtue of a decree dated twenty-eighth (28th) of April 2023, decree number 12/2021.

Having seen that the case was assigned to this Court as presided following an order dated nineteenth (19th) day of February 2024 issued by the Chief Justice in terms of Article 11(3) of Chapter 12 of the Laws of Malta and Article 520 of Chapter 9 of the Laws of Malta.

Having heard all the evidence;

Having heard the final submissions of the parties;

Considers:

The facts of the case are as follows: Maria Mintoff filed a criminal complaint against her husband since the latter failed to pay the entire amount of maintenance due to her as per the court judgement dated twenty-eighth (28th) April 2023 and this for the months of May 2023, June 2023, July 2023, August 2023 and September 2023. The accused was spoken to by the Police after that he was given his legal rights. The accused rejected his wife's claim that he had failed to pay the

maintenance due and insisted that he had all the relative documents proving that he had honoured his commitments.

Considers;

The parte civile when giving her evidence explained that although her husband had effected payments for the periods indicated in the charges, he had failed to pay the full amount due for each month. On the other hand, the accused claimed that a verbal agreement had been reached with his wife that he should pay less than the amount ordered. This because there was an understanding between them that their son was going to pay rent since he was occupying their flat in Malta and that this rental payment was going to be received directly and exclusively by the wife.

From the evidence submitted it is clear that the charge has been proven. First of all, Court orders given cannot be changed by a simple verbal agreement. There has to be an application and a court decree or judgment **varying** such order. In any case the “agreement” that the accused is referring to, took place before the final judgment dated twenty-eighth (28th) April 2023. Hence the judgment superseded any form of agreement there could have been between the two, although as already pointed out, verbal agreements do not suffice to vary court orders. The Court is satisfied that the accused failed to pay the entire

amounts due by him to his wife for the periods indicated in the charge. The Court is also satisfied that the amount of maintenance still due to the parte civile by the accused amounts to one thousand, three hundred and sixty-two Euros and sixty-three cents (€1,362.63).

- **Decide**

Consequently, for the reasons expounded above, after seeing articles 18 and 336(z) of Chapter 9 of the Laws of Malta, the Court is finding the accused guilty of the charge brought against him.

Taking into account the circumstances of the case, the Court considers that it is appropriate to apply Article 22(1) of Chapter 446 of the Laws of Malta and is therefore discharging the offender on condition that he does not commit another offence within one (1) year from today.

The offender is also to pay the parte civile the amount of one thousand, three hundred and sixty-two Euros and sixty three cents (€1,362.63) within six (6) months from today and this in terms of Articles 22 and 24 of Chapter 446 of the Laws of Malta as well as Article 15A of Chapter 9 of the Laws of Malta.

The Court explained to the offender in ordinary language that if he commits another offence during the period of conditional discharge,

the offender will be liable to be sentenced for the offence he was found guilty of today.

(sgd.) Dr. Jean Paul Grech
Magistrate

(sgd.) Diane Farrugia
Deputy Registrar

True Copy

For the Registrar