



**COURT OF MAGISTRATES (GOZO)
AS A COURT OF CRIMINAL JUDICATURE**

**MAGISTRATE DR SIMONE GRECH
B.A., LL.D., MAG. JUR. (EUR LAW)**

Case Number 425/2024 SG

**The Police
(Police Inspector Keith Xerri)**

—vs—

Viktor Markovic

Today, the 3rd of December 2024

The Court;

Having seen the charges brought against Viktor Markovic whereby he was accused for having:

1. Between the 12th of April 2024 till today, in Victoria Gozo Police Station, and/or other places around the Maltese Islands, failed to adhere to one or more than one condition by which the accused was granted bail as for the decree of the 5th of February 2024 issued by Magistrate Dr. Leonard Caruana LL.D, by which the accused was released from arrest under several conditions including the obligation to appear for every act of the proceedings before any Court on the day, time and place as ordered by the Court, and that he reports at the Victoria, Gozo Police Station every Monday, Thursday and Saturday between 07:00am u 20:00pm.

Articles 579(1) & (2) of Chap 9 of the Laws of Malta.

2. Also for having, between the 12th of April 2024 till today, in Victoria Gozo Police Station, and/or other places around the Maltese Islands, failed to adhere to one or more than one condition by which the accused was granted bail as for the decree of the 10th of August 2023

issued by Magistrate Dr. Brigitte Sultana LL.D, by which the accused was released from arrest under several conditions including the obligation to appear for every act of the proceedings before any Court on the day, time and place as ordered by the Court, and that he reports at the Victoria, Gozo Police Station every Monday & Thursday between 08:00am & 09:00am.

Articles 579(1) & (2) of Chap 9 of the Laws of Malta.

3. Also for having, between the 12th of April 2024 till today, in Victoria Gozo Police Station, and/or other places around the Maltese Islands, failed to adhere to one or more than one condition by which the accused was granted bail as for the decree of the 9th of February 2023 issued by Magistrate Dr. Rachel Montebello LL.D, as subsequently amended by another decree issued by same Magistrate Dr. Rachel Montebello LL.D on the 29th March 2023 by which the accused was released from arrest under several conditions including the obligation to appear for every act of the proceedings before any Court on the day, time and place as ordered by the Court, and that he reports at the Victoria or Marsalforn, Gozo Police Station everyday between 08:00am & 15:00pm.

Articles 579(1) & (2) of Chap 9 of the Laws of Malta.

The Court is kindly requested to revoke 'contrario imperio' the decrees of release from custody and order the re-arrest of the defendant, as well as ordering that the sums as a deposit and personal guarantee, pass in favor of the Government of Malta.

Having seen all the documents presented;

Having heard all the witnesses;

Having heard final oral submissions;

Having seen that this case was adjourned for judgement;

Considers:

The accused is being charged with having failed to adhere to one or more of the conditions imposed upon him by several decrees in which he was granted bail.

He is being charged with not attending to court sittings when he was duly notified about them and of not signing the bail book at Victoria Police Station for the last weeks (Vide affidavit of Superintendent Bernard Charles Spiteri and testimony given by Inspector Keith Xerri).

Whereas defence counsel is not contesting these facts but is arguing that he encountered problems as he had two different lawyers at the time and that he was not being given the dates of the court sittings. He stated that he had

to sign at a different police station according to the conditions of bail he was given, but at that time he was residing in St Julian's and was requesting his lawyers to do the necessary application to the relative Courts in order for the place where he is to sign the bail book to be changed. In his testimony he tried to justify his non-observance of the bail conditions imposed on him.

The Prosecution brought ample proof as to the three decrees granting bail to the accused which decrees are indicated in the three charges brought against the accused. Proof was also given as to the identity of the accused and to the fact that these three decrees are still in vigore.

Whereas the accused has been charged with the offence provided for in terms of article 579(1) and (2) of the Criminal Code.

The Court deems that it is no valid justification that the accused did not attend the court sittings because he was not aware of the dates of the sittings. Indeed positive notes of service of the accused were presented in the acts of this case. The fact that the accused had problems with communicating with his lawyers or had difficulties in travelling to the police stations where he was ordered to sign the bail book, is not a valid reason for him not to adhere to the bail conditions ordered by the court.

However, when taking into consideration the evidence brought forth by defence, the Court considers that the infringement of the conditions imposed in the three decrees granting bail are not of such a serious and grave consequence that merit the re-arrest of the accused and the imprisonment of the accused. Consequently, the Court does not deem that the punishment should be that of imprisonment but that of a fine (multa) together with a partial forfeiture of the deposits paid in favour of the Government of Malta.

On another note, the Court observes that as regards the issue of the accused changing the address without notifying the police, the court does not deem that enough proof was brought beyond reasonable doubt as to the accused changing his place of residence and not informing the Police accordingly. It also transpired that only the decree dated 9th February 2023 contained a clear indication of the address of the accused whilst the other two decrees did not indicate the address of the accused.

DECIDE

Consequently, for the above mentioned reasons, the Court, after having seen section 579 (1) and (2) of Chapter 9 of the Laws of Malta, finds the accused guilty of the charges brought against him and condemns him to a fine (multa) of five hundred euros (€ 500) and also orders the forfeiture in favour of the Government of Malta of five hundred euro (€ 500) representing the deposit referred to in the decree granting bail dated 10th August 2023 given by Magistrate Brigitte Sultana; the forfeiture of five hundred euro (€ 500) representing the deposit referred to in the decree granting bail dated 9th February 2023 given by Magistrate Rachel Montebello and the forfeiture of five hundred euro (€ 500) representing the deposit referred to in the decree granting bail dated 5th February 2024 given by Magistrate Leonard Caruana.

(sgd) Dr Simone Grech
Magistrate

(sgd) John Vella
D/Registrar

True Copy

For the Registrar