



**COURT OF MAGISTRATES (MALTA)**  
**AS A COURT OF CRIMINAL JUDICATURE**  
**MAGISTRATE DR. KEVAN AZZOPARDI B.A. LL.D**

**Today the 21st of December 2024**

**The Republic Of Malta**

**vs**

**Abdifaid Mhahdi Mahamud**

(Holder of Maltese residence permit number 9000147A)

**The Court,**

Having seen that the accused Abdifaid Mhahdi Mahamud of Somalian nationality, of twenty nine (29) years of age, son of Mhahdi Mahamud and Sabad Abdillahi, born in Beledweyne, Somalia on the twenty fifth (25th) of March of the year nineteen ninety five (1995), without a fixed address, holder of Maltese residence permit number 9000147A, was arraigned under arrest and accused as follows:

*“In the name of the Republic of Malta hereby charge Abdifaid Mhahdi Mahamud with having, on the nineteenth (19<sup>th</sup>) of December of the year two thousand and twenty four (2024) at around quarter to nine in the evening (20:45pm) at 79, Triq is-Salib tal-Marsa, Marsa, Malta, and/or in the Maltese Islands:*

- 1. With intent to commit a crime which was not completed in consequence of some accidental cause independent of the will of the offender, manifested such intent by overt acts which were followed by a commencement of the execution of the crime of grievous bodily harm with arms proper or with a cutting or pointed instrument, and which crime was committed on the person of **Eid Abdi Tayaa**, who was living in the*

*same household as the offender, and this in breach of Articles 41, 222(1)(a), 202(h)(v), 214, 215, 216 and 217 of Chapter 9 of the Laws of Malta;*

2. *Without the intent to kill or put the life of any person namely **Eid Abdi Tayaa**, who was living in the same household as the offender, in manifest jeopardy, caused him injuries of a slight nature with arms proper or with a cutting or pointed instrument, as certified by Dr Al Khateb Bahaa (Med Reg 8196), and this in breach of Articles 222(1)(a), 202(h)(v), 214, 215, 217 and 221, of Chapter 9 of the Laws of Malta;*
3. *Rendered himself recidivist in terms of Articles 49 and 50 of Chapter 9 of the Laws of Malta, by means of a decision given by the Court of Magistrates Malta, which was rendered res judicata and therefore cannot be altered.”*

The Court was requested so that in the case of guilt, in addition to any punishment which the Court deems fit to impose, orders the accused to pay the expenses relating to the appointment of experts in terms of Article 533 of Chapter 9 of the Laws of Malta.

The Court was requested so that in the case of guilt, it is to consider **Abdifaid Mhahdi Mahamud** as a recidivist, and this in terms of Articles 49 and 50 of Chapter 9 of the Laws of Malta.

The Court was requested that in case of guilt issues a protection order until judgement against the accused for the benefit of **Eid Abdi Tayaa** in terms of Article 412C of the Criminal Code, Chapter 9 of the Laws of Malta.

The Court was requested to provide for the safety of the victim and his family or for the keeping of the public peace, in addition to, or in lieu of the punishment applicable to the offence, requires the accused to enter into his own recognisance in a sum of money fixed by the Court as per Article 383 382A, 383, 384 and 385 of Chapter 9 of the Laws of Malta.

The Court was requested, in case of the finding of guilt, apart from inflicting the punishments as established by law, to order the forfeiture of the *corpus delicti*, of the instruments used or intended to be used in the commission of any crime, and of anything obtained by such crime, including the arms and/or tools that were used or could have been used during such crime.

Having seen the examination of the accused, whereby he registered a guilty plea soon after the prosecution read and confirmed the charges under oath.

Having seen the acts of the case.

Having heard the defence counsel and the prosecuting officer's final oral submissions in relation to the punishment to be inflicted upon the accused.

### **Considerations**

In view of the guilty plea registered by the accused the court has no choice but to proceed with delivering judgement. In delivering judgement the Court considered the fact that the accused cooperated with the Executive Police and further notes the early guilty plea.

### **Decision**

For these reasons, the Court, having seen articles 17, 202, 214, 215, 216, 217, and 222(1)(a) of the Criminal Code, Chapter 9 of the Laws of Malta, upon the admission of the accused, finds the said accused Abdifaid Mhahdi Mahamud, holder of Maltese residence permit number 9000147A, guilty of the charges brought against him, considers the said accused as a recidivist in terms of Articles 49 and 50 of Chapter 9 of the Laws of Malta, considers that the second charge is to be absorbed in the first charge, therefore condemns him to the penalty of eighteen (18) months imprisonment.

In view of the fact that no experts have been appointed in this case the Court withholds from taking any further cogniscence of the request relating to the expenses of experts in terms of Article 533 of Chapter 9 of the Laws of Malta.

The Court makes a protection order in terms of Article 412C of Chapter 9 of the Laws of Malta for a period of three (3) years for the protection of Eid Abdi Tayaa, holder of Somali Republican identity card with number 2840157401871 in accordance with the conditions mentioned in the decree handed down by this Court contemporaneously with this judgement, and which forms an integral part of it.

The Court orders the destruction, under the supervision of the Registrar of Criminal Courts and Tribunals, of the *corpus delicti* formally exhibited today in the acts of the proceedings.

The Court orders notification of this judgement and the protection order to the Registrar of Criminal Courts and Tribunals, Commissioner of Police and the protected person.

The Court finally orders that the Attorney General is given access to a scanned copy of the acts of the proceedings, together with access to a scanned copy of the judgment, within six (6) working days from the date of the judgment.

**Dr. Kevan Azzopardi B.A. LL.D**

**Magistrate**

**Josanne Gauci**

**Deputy Registrar**

< Final Judgement >

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