



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

**MAGISTRATE DR. GIANNELLA CAMILLERI BUSUTTIL  
B.A., M.A. (Fin. Serv.), LL.D.**

**Today the 15th January 2025**

**Case Number: 993/2025**

**The Police  
(Inspector Clive Abela)**

**vs**

**Mehmet Erhen**

The Court,

Having seen the charges brought against the accused **Mehmet Erhen**, thirty seven (37) years old, of Turkish nationality, born in Silvan, Turkey, on the twenty fifth (25th) January of the year nineteen eighty seven (1987), residing at forty four (44), apartment number one (1), Triq il-Karmnu, St. Julian's, Malta and holder of identity card number 0152324A

Charged with having on the fourteenth (14th) of January of the year two thousand and twenty five (2025), between the hours of one in the morning (01:00hrs) and two in the morning (02:00hrs), and/or during the preceding months, within the Maltese Islands:

1. failed to observe one or more of the conditions imposed upon him by the decree granting him bail from arrest dated seventeenth (17th) October of the year two thousand and twenty four (2024), by the Court of Magistrates (Malta), Magsitrate Dr. Jean Paul Grech LL.D;

The Court is being requested to revoke the aforementioned decree granting bail to Mehmet Erhen and to order his arrest again, as well as to order the confiscation

of the deposit and the personal guarantee amounts, as established in the decree(s) of the Court of Magistrates (Malta), Magistrate Dr. Jean Paul Grech LL.D., dated seventeenth (17<sup>th</sup>) October of the year two thousand and twenty four (2024), either in full or in part, to be transferred to the Government of Malta, as stipulated in Article 579(1)(2)(3) of Chapter 9 of the Laws of Malta;

Having seen the records of the case;

Having heard the testimony of Inspector Clive Abela, PS 1161 Aldo Zammit, PC 1580 Jamie Camilleri and the accused himself;

Having heard the prosecution and defence counsel make their submissions;

**Considers:**

Whereas the accused has been charged with the offence provided for in terms of Article 579 of the Criminal Code;

Whereas the prosecution exhibited a true copy of the decree delivered by this Court, presided by Magistrate Dr. Jean Paul Grech, on the seventeenth (17<sup>th</sup>) October of the year two thousand and twenty four (2024). The Court notes that from the bail conditions, it results that the accused is to retire at his home by not later than eight o'clock in the evening (20:00hrs) and not leave his home before seven o'clock in the morning (07:00hrs);

This case revolves around an incident which occurred on the fourteenth (14<sup>th</sup>) January of the year two thousand and twenty-five (2025), between the hours of one in the morning (01:00hrs) and two in the morning (02:00hrs) when the accused was stopped by the Police when he was at a Club in Paceville;

Whereas the accused himself, whilst testifying before this Court, admits that he breached the bail condition regarding the curfew. However, the defence counsel is arguing that there was a valid reason for the accused to be outside of his residence when he was stopped by the Police;

Whereas the Court deems that there is no valid justification for the accused not to adhere to the bail conditions imposed by the Court. However, the Court considers that in the present case, where the condition breached refers to a curfew, the infringement is not of such a serious and grave consequence that merits the re-arrest 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 deposit paid in favour of the Government of Malta.

## **Decide**

For the said reasons the Court, after having seen Section 579(1)(2)(3) of the Criminal Code, Chapter 9 of the Laws of Malta, finds the accused **Mehmet Erhen** guilty of the charge brought against him and condemns him to a fine (multa) of one thousand euros (€1000).

The Court is also ordering the forfeiture in favour of the Government of Malta of the sum of one thousand and two hundred euros (€1,200) representing part of the deposit referred to in the bail bond.

The Court is not acceding to the prosecution's request for the revocation of bail and the re-arrest of the accused.

The Court orders that a copy of this judgement is served upon the Registrar of the Criminal Courts and Tribunals.

Magistrate Dr. Giannella Camilleri Busuttil

Deputy Registrar Michela Attard Deguara