



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

**MAGISTRATE DR. ABIGAIL CRITIEN  
B.A., Trib. Eccl. Melit., LL.M. (Family Law) (Lond), LL.D.**

**The Police  
(Inspector Christian Cauchi)**

**v.**

**Dino Colic**

**Compilation of Evidence No. 1001/2024 AC**

Today the 4<sup>th</sup> of February, 2025

**The Court,**

Having seen the charges brought against **Dino Colic**, of thirty-four (34) years, son of Goran and Olivera nee' Petrovic, born in Serbia without fixed address and holder of Serbian passport number 013521258 and holder of residence permit number 0201823A, who was accused of having, on Saturday 30<sup>th</sup> November 2024 and/or in the previous months, weeks and/or days in these Maltese Islands committed several acts even at different times which acts constituted

violations of the same provisions of the law and are committed in pursuance of the same design:

1. Pursued a course of conduct which amounted to harassment of his **former partner Francesca Darmanin** and **Angelica Busuttil** and pursued a course of conduct which he knew or ought to know amounted to harassment of his **former partner Francesca Darmanin** and **Angelica Busuttil** and with reference to **Francesca Darmanin** this is aggravated by the fact that the offence was committed against his partner or former partner **Francesca Darmanin**, by a member of the family, a person cohabiting with the victim or a person having abused her or his authority, the offence, or related offences, were committed repeatedly and this in terms of **Articles 251A(1)(2), 251H(a)(b) and 251HA of the Criminal Code, Chapter 9 of the Laws of Malta;**
2. Caused his former partner Francesca Darmanin to fear that violence will be used against her or her property of any of her ascendants, descendants, brothers or sisters aggravated by the fact that the offence was committed against the former or current spouse or partner, by a member of the family, a person having abused her or his authority and the offence, or related offences, were committed repeatedly and this in terms of **Article 251B, 251H(a)(b) and 251HA of the Criminal Code, Chapter 9 of the Laws of Malta;**
3. And moreover due to the fact that between Thursday 31<sup>st</sup> October 2024 and Saturday 30<sup>th</sup> November 2024 at several times, by means of a network or electronic communication apparatus, threatened the commission of any crime, with intent to extort money or any other thing, or to make a gain, or with intent to induce **Francesca Darmanin and/or Angelica Busuttil** to do or omit from doing any thing, threatened to accuse or to make a complaint against, or to defame, that or another person and made any improper use thereof and this in terms of **Article 49(a)(b)(c) of Chapter 399 of the Laws of Malta;**
4. And moreover due to the fact that on the 1<sup>st</sup> November 2024 at around half past four in the morning (04:30hrs) and/or in the previous times under the same circumstances

utterly insulted or threatened **Francesca Darmanin**, not otherwise provided for in this Code, or if **Dino Colic** was provoked, same carried his insult beyond the limit warranted by the provocation in terms of **Article 339(1)(e) of the Criminal Code, Chapter 9 of the Laws of Malta**;

Having seen the Prosecution's request to provide security for **Francesca Darmanin, Roberta Busuttil** and **Angelica Busuttil** as this Court deems fit and necessary and under all the conditions that this Court deems appropriate, to issue an Order of Protection against **Dino Colic** in terms of Article 412C of the Criminal Code, Chapter 9 of the Laws of Malta;

Having seen the Prosecution's request that, in the case of guilt, in addition to the punishment in accordance with the law, this Court applies the provisions of Articles 382, 383, 384 and 385 of the Criminal Code, Chapter 9 of the Laws of Malta;

Having seen the Prosecution's request that, in the case of guilt, in addition to the punishment in accordance of Article 532A, 532B and/or Article 533 of the Criminal Code, Chapter 9 of the Laws of Malta;

Having seen that the accused was arraigned under arrest on the 1<sup>st</sup> of December 2024, where Prosecuting Officer Inspector Christian Cauchi read and confirmed the charges brought against the accused on oath during the same sitting dated presided by Duty Magistrate Dr. Joseph Gatt<sup>1</sup>;

Having seen the minutes dated the 1<sup>st</sup> of December 2024 and the Court's order for proceedings to be conducted in the English language<sup>2</sup>;

Having the seen the Examination of the Accused in terms of Article 370(4), Article 390(1) and Article 392 of the Criminal Code during the same sitting, where the accused **Dino Colic** plead not guilty to the charges<sup>3</sup>;

---

<sup>1</sup> Vide fol 8 *et seq* of the acts

<sup>2</sup> Vide fol 8 of the acts

<sup>3</sup> Vide fol 12 of the acts

Having seen that the Court as presided by the Duty Magistrate during the sitting dated the 1<sup>st</sup> of December 2024 acceded to the Prosecution's request for an Order of Protection against the accused **Dino Colic** in favour of the injured party **Francesca Darmanin** and **Angelica Busuttil**, which Protection Order was subsequently extended to include **Roberta Busuttil** and the minors **Leah and Lee Hammett**, and **Eve and Faith Bartolo**<sup>4</sup>;

Having seen the acts of the case and the documents exhibited, namely the following:

1. The Passport of the Accused<sup>5</sup>;
2. A copy of the Passport of the Accused<sup>6</sup>;
3. Audio-Visual Statement regarding NPS Report GHQ/GBDV/3326/2024<sup>7</sup>;
4. NPS PCR Details regarding the Accused<sup>8</sup>;
5. Conviction Sheet of the Accused<sup>9</sup>;
6. Consent of the Attorney General in the Maltese language in terms of Article 370(4) of Chapter 9 of the Laws of Malta for these proceedings to be dealt with summarily<sup>10</sup>;
7. Consent of the Attorney General in the English language in terms of Article 370(4) of Chapter 9 of the Laws of Malta for these proceedings to be dealt with summarily<sup>11</sup>;
8. NPS Report GHQ/GBDV/3326/2024<sup>12</sup>;
9. Screenshots of chat messages between the accused and Angela Busuttil<sup>13</sup>;

---

<sup>4</sup> Vide a fol 11 of the acts and the minutes dated the 11<sup>th</sup> December 2024 a fol 67 *et seq* of the acts

<sup>5</sup> Vide Dok CC a fol 13 of the acts

<sup>6</sup> Vide Dok CC1 a fol 14 of the acts

<sup>7</sup> Vide Dok CC2 a fol 15 of the acts

<sup>8</sup> Vide Dok CC3 a fol 16 of the acts

<sup>9</sup> Vide Dok CC4 a fol 17 of the acts

<sup>10</sup> Vide Dok CC5 a fol 18 of the acts

<sup>11</sup> Vide Dok CC6 a fol 19 of the acts

<sup>12</sup> Vide Dok CC7 a fol 20 *et seq* of the acts

<sup>13</sup> Vide Dok CC8 a fol 26 *et seq* of the acts

10. Call logs between the accused and the injured party<sup>14</sup>;
11. Danger Assessment regarding the injured party **Francesca Darmanin**<sup>15</sup>;
12. Declaration of the injured party **Francesca Darmanin** to Refuse to Accept Shelter following a Risk Assessment<sup>16</sup>;
13. Application dated 30<sup>th</sup> of November 2024 by the Commissioner of Police to the Duty Magistrate Dr. Giannella Camilleri Busuttil in the Maltese language to issue a Warrant of Arrest against the accused<sup>17</sup>;
14. Warrant of Arrest issued by Duty Magistrate Dr. Giannella Camilleri Busuttil against the accused dated the 30<sup>th</sup> November 2024 in the Maltese language<sup>18</sup>;
15. Warrant of Arrest issued by Duty Magistrate Dr. Giannella Camilleri Busuttil against the accused dated the 30<sup>th</sup> of November 2024 in the English language<sup>19</sup>;
16. Seizure Form dated 30<sup>th</sup> of November 2024 regarding objects seized from the accused<sup>20</sup>;
17. A note by the Commissioner of Police to Duty Magistrate Dr. Giannella Camilleri Busuttil in the Maltese language, in order to inform the same that the period of arrest of the accused will be exceeding six (6) hours<sup>21</sup>;

Having seen that the accused registered a guilty plea to the charges brought against him during the sitting dated the 11<sup>th</sup> of December 2024;

---

<sup>14</sup> Vide Dok CC9 a fol 34 *et seq* of the acts

<sup>15</sup> Vide Dok CC10 a fol 51 *et seq* of the acts

<sup>16</sup> Vide Dok CC11 a fol 55 of the acts

<sup>17</sup> Vide Dok CC12 a fol 56 *et seq* of the acts

<sup>18</sup> Vide Dok CC13 a fol 59 of the acts

<sup>19</sup> Vide Dok CC14 a fol 60 of the acts

<sup>20</sup> Vide Dok CC15 a fol 61 of the acts

<sup>21</sup> Vide Dok CC16 a fol 62 of the acts

Having seen that the Court warned the accused about the legal consequences of such guilty plea registered by him and after allowing him a period of time to withdraw his guilty plea, and after having explained the effects of such guilty plea and after having given him time to speak again to his legal counsel, the accused once again confirmed his guilty plea;

Having seen that the Court observed and complied with the provisions as set out in Article 392A(1) and Article 392A(2) of Chapter 9 of the Laws of Malta, and in the light of the accused's voluntary and unconditional guilty plea and his confirmation and reiteration of his guilty plea for the second time and after consulting with his lawyer that the Court took cognisance of his guilty plea;

In terms of Article 392A(3) of Chapter 9 of the Laws of Malta This Court declares that it does not consider that there are valid grounds to doubt the accused's guilt despite his guilty plea and consequently deems that the charges brought against him have been satisfactorily proven;

### **Legal Considerations**

In relation to the charges brought against **Dino Colic**, who was accused of having, on Saturday 30<sup>th</sup> November 2024 and/or in the previous months, weeks and/or days in these Maltese Islands committed several acts even at different times which acts constituted violations of the same provisions of the law and are committed in pursuance of the same design:

1. Pursued a course of conduct which amounted to harassment of his **former partner Francesca Darmanin** and **Angelica Busuttil** and pursued a course of conduct which he knew or ought to have known amounted to harassment of his **former partner Francesca Darmanin** and **Angelica Busuttil** and with reference to **Francesca Darmanin** this is aggravated by the fact that the offence was committed against his partner or former partner **Francesca Darmanin**, by a member of the family, a person cohabiting with the victim or a person having abused her or his authority, the offence, or related offences, were committed repeatedly and this in terms of **Articles 251A(1)(2), 251H(a)(b) and 251HA of the Criminal Code, Chapter 9 of the Laws of Malta**;

2. Caused his former partner **Francesca Darmanin** to fear that violence will be used against her or her property of any of her ascendants, descendants, brothers or sisters aggravated by the fact that the offence was committed against the former or current spouse or partner, by a member of the family, a person having abused her or his authority and the offence, or related offences, were committed repeatedly and this in terms of **Article 251B, 251H(a)(b) and 251HA of the Criminal Code, Chapter 9 of the Laws of Malta;**
3. And moreover due to the fact that between Thursday 31<sup>st</sup> October 2024 and Saturday 30<sup>th</sup> November 2024 at several times, by means of a network or electronic communication apparatus, threatened the commission of any crime, with intent to extort money or any other thing, or to make a gain, or with intent to induce **Francesca Darmanin and/or Angelica Busuttil** to do or omit from doing any thing, threatened to accuse or to make a complaint against, or to defame, that or another person and made any improper use thereof and this in terms of **Article 49(a)(b)(c) of Chapter 399 of the Laws of Malta;**
4. And moreover due to the fact that on the 1<sup>st</sup> November 2024 at around half past four in the morning (04:30hrs) and/or in the previous times under the same circumstances utterly insulted or threatened **Francesca Darmanin**, not otherwise provided for in this Code, or if **Dino Colic** was provoked, same carried his insult beyond the limit warranted by the provocation in terms of **Article 339(1)(e) of the Criminal Code, Chapter 9 of the Laws of Malta;**

The accused registered a not guilty plea upon his arraignment, but subsequently registered a guilty plea during the sitting of the 11<sup>th</sup> December 2024;

In view of the accused's guilty plea to the charges brought against him, and the confirmation of such a declaration as described above, the Court deems that the same charges have been proven satisfactorily;

Regarding punishment, the Court is taking into consideration the following:

1. The guilty plea at a relatively early stage of the proceedings, in thus the court did not have to waste time in gathering further evidence on the merits of the case. Reference is made to local and foreign jurisprudence including but not limited to **Ir-Repubblika ta' Malta vs. Nicholas Azzopardi**<sup>22</sup> u **Il-Pulizija vs. Emmanuel Testa**<sup>23</sup> where the Courts argued in favour of leniency in punishment when the accused registers a guilty plea at an early stage of the proceedings and consequently saves time and expenses to the administration of justice.
2. The guilty plea was entered into without any form of reservations or conditions;
3. The clean Conviction Sheet of the accused;
4. The nature of the first, second and fourth charge brought against the accused which were such that they fall under the definition of “domestic violence” and “family and domestic unit” as defined in Article 2 of Chapter 581 of the Laws of Malta<sup>24</sup>, as well as charges relating to breaches of Chapter 399 of the Laws of Malta;
5. The serious nature of the charges brought against the accused, namely regarding course of conduct amounting to harassment of his former partner **Francesca Darmanin** and her aunt **Angelica Busuttil**, course of conduct causing fear of violence against his former partner **Francesca Darmanin**, misuse of communications apparatus over the course of nearly a month on his former partner **Francesca Darmanin** and her aunt **Angelica Busuttil**, as well as an instance of insults and threats on his former partner **Francesca Darmanin**;
6. Issues of aggression and possessiveness displayed by the accused with regard to his former partner **Francesca Darmanin**;

The Court, as discussed above, cannot understate the severity of charges brought against the accused seeing as how the majority contain an element of course of conduct, which in

---

<sup>22</sup> Criminal Court, decided on the 24<sup>th</sup> of February 1997

<sup>23</sup> Court of Criminal Appeal, decided on the 7<sup>th</sup> of July 2002

<sup>24</sup> Gender-Based Violence and Domestic Violence Act



themselves render the charges in question more serious. However, given the circumstances of the case in question, the Court believes that it must balance this severity with the early guilty plea of the accused, and, after taking into consideration issues of aggression and possessiveness identified on the part of the accused with regard to the injured party **Francesca Darmanin**, the need for the accused to address these issues as well as any other psychological issues that may emerge after examination by professionals, along with a clean Conviction Sheet of the accused, the Court is of the opinion that an effective prison term would not be the ideal solution for the accused in this case, especially with regard to his rehabilitation.

## **Decide**

Therefore, the Court, after having seen Article 17(d), Article 18, Article 202(h)(v), Article 202(h)(vi), Article 202(j), Article 222(1)(a), Article 251A(1)(a), Article 251A(1)(b), Article 251A(2), Article 251H(a), Article 251H(b), Article 251HA, Article 251B(1), Article 339(1)(e), Article of Chapter 9 of the Laws of Malta, Article 2 and Article 2(d) of Chapter 581 of the Laws of Malta, and Article 49(a), Article 49(b) and Article 49(c) of Chapter 399 of the Laws of Malta, upon his own voluntary and unconditional guilty plea, **finds the accused Dino Colic guilty of all charges**. However, since the Court is of the opinion that the necessary circumstances subsist as mentioned in Article 7(1) of Chapter 446 of the Laws of Malta, and after having seen Article 2 and Article 7 of the same Chapter, **the Court is placing the accused Dino Colic under a Probation Order for the maximum period of three (3) years from the day of this judgement** in terms of the provisions of Article 7 of Chapter 446 of the Laws of Malta. For this purpose, the Court is ordering that **Dino Colic** be placed under the supervision of a Probation Officer as indicated to him by the Director for Services of Probation and Parole, which is subject to orders and conditions as listed in the decree given today and attached to this judgement, which shall form an integral part of the same judgement;

In accordance with Article 7(7) of Chapter 446 of the Laws of Malta, the Court explained to **Dino Colic** in clear and simple terms the effects of the abovementioned Probation Order, and all conditions listed in the relevant decree as attached with this judgement, and that should he fail to adhere to those orders and conditions that may be imposed upon him and/or commit another offence during the operational period of this Probation Order, he may be subject to judgement

for the offences that he was found guilty of in this judgement, notwithstanding any other consequence of failure to adhere to the Probation Order mentioned above;

In accordance with Article 7(8) of Chapter 446 of the Laws of Malta, the Court orders that a copy of this judgement and the Probation Order mentioned above dated today be communicated immediately to the Director for Services of Probation and Parole in order to assign a Probation Officer who shall be responsible for the supervision of **Dino Colic**. The Probation Officer assigned shall report in writing to the competent Court regarding any progress made by **Dino Colic** every three(3) months;

The Court explained in clear and simple terms the significance of this judgement to the accused;

In addition to the punishment imposed, the Court, after having seen Articles 49(a), Article 49(b) and Article 49(c) of Chapter 399 of the Laws of Malta, is **condemning the accused Dino Colic to the payment of a fine (*multa*) in the amount of two hundred and fifty Euro (€250);**

The Court, after having seen Article 382A(1) and Article 382A(2) of Chapter 9 of the Laws of Malta, is **also issuing a Restraining Order against Dino Colic and in favour of the injured party Francesca Darmanin, Angelica Busuttil, Roberta Busuttil and the minors Leah and Lee Hammett, and Eve and Faith Bartolo, and this for a period of three (3) years from the date of this judgement;**

The Court, after having seen Article 382A(3) of Chapter 9 of the Laws of Malta, explained to **Dino Colic** in clear and simple terms his responsibility under the same Restraining Order, and the repercussions of failing to adhere to any prohibition or restriction placed upon him by this Order, which Order shall also form an integral part of this judgement;

Due to the fact that no experts were appointed by the Court during the course of these proceedings, nor were any damages quantified, this Court is not in a position to take cognisance of the Prosecution's request to apply the provisions of Article 532A, Article 532B and/or Article 533 of Chapter 9 of the Laws of Malta;

In terms of Article 392A(2) of Chapter 9 of the Laws of Malta, the Court orders that a scanned copy of these proceedings and judgement, along with all relevant decrees issued by virtue of this judgement, be sent to the Attorney General according to Law.

**MAGISTRATE DR. ABIGAIL CRITIEN**

**B.A., Trib. Eccl. Melit., LL.M. (Family Law) (Lond), LL.D.**