



**COURT OF MAGISTRATES (MALTA)
AS A COURT OF CRIMINAL JUDICATURE
MAGISTRATE DR. GABRIELLA VELLA B.A., LL.D.**

Case No. 213/2025VG

**The Police
(Inspector Christian Cauchi)**

Vs

Sinod Oorothu Sasidharan

Today, 7th March 2025

The Court,

After having considered the charges brought against **Sinod Oorothu Sasidharan**, thirty-five (35) years of age, son of Sasidharan and Shyamala Sasidharan, born on the 30th July 1989 in India, residing at 132, “Ta’ Nena”, Triq Guzè Damato, Tarxien, and holder of Residence Permit Card Number 0188782A, of having between Wednesday 5th March 2025 and Thursday 6th March 2025, at several times at the residence No. 132, “Ta’ Nena”, Triq Guzè Damato, Tarxien, and/or in any other places in these Maltese Islands:

1. Caused his wife Radhika Mohan, the mother of his minor son, to fear that violence will be used against her or her property of any of her ascendants, descendants, brothers and sisters, aggravated by the fact that the offence was committed against Radhika Mohan who is the former or current spouse or partner, by a member of the family, a person having abused her or his authority, the offence or related offences were committed repeatedly, the offence was committed against or in the presence of a minor, the offence was preceded or accompanied by violence, and this in terms of Sections 251B, 251H(a)(b)(d)(f), 251HA of Chapter 9 of the Laws of Malta;
2. And moreover due to the the fact that on Wednesday 5th March 2025 at around half past eight in the evening (20:30hrs) and/or in the previous times and on Thursday 6th March 2025 at around nine in the morning (9:00hrs) and/or in the previous times at the residence No.132, “Ta’ Nena” Triq Guzè Damato, Tarxien, and/or in any other places in these Maltese Islands under the same circumstances used force against his wife Radhika Mohan, the mother of his minor child, and inflicted on her slight injuries as per certified by Dr. Ian Gauci

M.D., with Medical Registration Number 2489, of Paola Health Centre, aggravated by the fact since the crime was committed on the person of the current or former spouse, civil union or cohabitant, the crime was committed on his wife Radhika Mohan, having or having had a child in common with the offender, the crime was committed on his wife Radhika Mohan who was living in the same household as the offender or who had lived with the offender before the offence was committed and the crime was committed on his wife Radhika Mohan who is or was in a relationship with the offender whether with the intention of marriage or not, in terms of Sections 214, 215, 221(1), 221(3), 222(1) (a) and 202(h)(i)(iv)(v)(vi) of Chapter 9 of the Laws of Malta;

3. And moreover due to the fact that on Wednesday 5th March 2025 at around half past eight in the evening (20:30hrs) at residence No. 132, “Ta’ Nena”, Triq Guzè Damato, Tarxien, and/or in any other places in these Maltese Islands under the same circumstances wilfully committed any spoil, damage or injury to or upon any movable or immovable property, that is Samsung A5, that belongs to Radhika Mohan, if the amount of the damage does not exceed two thousand and five hundred Euros (€2,500) but exceeds two hundred and fifty Euros (€250) and this in terms of Section 325(1)(b) of Chapter 9 of the Laws of Malta;
4. And moreover due to the fact that on Wednesday 5th March 2025 at around half past eight in the evening (20:30hrs) and/or in the previous times and on Thursday 6th March 2025 at around nine in the morning (9:00hrs) and/or in the previous times at the residence No.132, “Ta’ Nena” Triq Guzè Damato, Tarxien, and/or in any other places in these Maltese Islands, under the same circumstances uttered, insulted or threatened Radhika Mohan not otherwise provided for in this Code, or if he was provoked, same carried his insult beyond the limit warranted by the provocation in terms of Section 339(1)(e) of Chapter 9 of the Laws of Malta;

After having considered the requests put forth by the Prosecution for the Court: (i) in case of guilt, to apply Section 15A and/or Section 28H of Chapter 9 of the Laws of Malta and/or any other relevant Section of the Law that orders the guilty person to restitute the compensation suffered by the victim; (ii) to provide for the security of Radhika Mohan as it sees fit and necessary and under all the conditions that it deems appropriate, by issuing a Protection Order against Sinod Oorothu Sasidharan in terms of Section 412C of Chapter 9 of the Laws of Malta; (iii) in case of guilt, in addition to the punishment in accordance with the Law, to apply Sections 382, 383, 384 and 385 of Chapter 9 of the Laws of Malta; (iv) in case of guilt, in addition to the punishment in accordance with the Law, to order the accused to pay the costs incurred in terms of Sections 532A, 532B and 533 of Chapter 9 of the Laws of Malta;

Took cognisance of the Consent by the Attorney General in terms of Section 370(4) of Chapter 9 of the Laws of Malta, marked as Doc. “Y”¹;

¹ The said Consent is also provided in the Maltese language marked as Doc. “X”.

Heard the accused declare that he has no objection to his case being dealt with summarily and reply that he is guilty of the charges brought against him, which guilty plea was confirmed by him after the Court explained the legal implications of such guilty plea and gave him sufficient time to re-consider his position and withdraw said guilty plea;

After having considered the documents submitted by the Prosecution marked as Doc. "A" to Doc. "L";

After having heard submissions by the Prosecution and Defence Counsel regarding punishment, and after having heard the Prosecution declare that the cost of the mobile phone Samsung A5 belonging to Radhika Mohan damaged by the accused is that of €400 and the accused declare that he does not contest the value of the said mobile phone as declared by the Prosecution;

After having heard the Prosecution declare that the accused and the victim will continue living in the same household;

After having considered all the records of the proceedings;

Considers:

The accused is being charged with having between Wednesday 5th March 2025 and Thursday 6th March 2025, at several times at the residence No. 132, "Ta' Nena", Triq Guzè Damato, Tarxien, and/or in any other places in these Maltese Islands: (1) Caused his wife Radhika Mohan, the mother of his minor son, to fear that violence will be used against her or her property of any of her ascendants, descendants, brothers and sisters, aggravated by the fact that the offence was committed against Radhika Mohan who is the former or current spouse or partner, by a member of the family, a person having abused her or his authority, the offence or related offences were committed repeatedly, the offence was committed against or in the presence of a minor, the offence was preceded or accompanied by violence, and this in terms of Sections 251B, 251H(a)(b)(d)(f), 251HA of Chapter 9 of the Laws of Malta; (2) And moreover due to the the fact that on Wednesday 5th March 2025 at around half past eight in the evening (20:30hrs) and/or in the previous times and on Thursday 6th March 2025 at around nine in the morning (9:00hrs) and/or in the previous times at the residence No.132, "Ta' Nena" Triq Guzè Damato, Tarxien, and/or in any other places in these Maltese Islands under the same circumstances used force against his wife Radhika Mohan, the mother of his minor child, and inflicted on her slight injuries as per certified by Dr. Ian Gauci M.D., with Medical Registration Number 2489, of Paola Health Centre, aggravated by the fact since the crime was committed on the person of the current or former spouse, civil union or cohabitant, the crime was committed on his wife Radhika Mohan, having or having had a child in common with the offender, the crime was committed on his wife Radhika Mohan who was living in the same household as the offender or who had lived with the offender before the offence was committed and the crime was committed on his wife Radhika Mohan who is or was in a relationship with the offender whether with the intention of marriage or not, in terms of Sections 214, 215, 221(1), 221(3), 222(1)

(a) and 202(h)(i)(iv)(v)(vi) of Chapter 9 of the Laws of Malta; (3) And moreover due to the fact that on Wednesday 5th March 2025 at around half past eight in the evening (20:30hrs) at residence No. 132, “Ta’ Nena”, Triq Guzè Damato, Tarxien, and/or in any other places in these Maltese Islands under the same circumstances wilfully committed any spoil, damage or injury to or upon any movable or immovable property, that is Samsung A5, that belongs to Radhika Mohan, if the amount of the damage does not exceed two thousand and five hundred Euros (€2,500) but exceeds two hundred and fifty Euros (€250) and this in terms of Section 325(1)(b) of Chapter 9 of the Laws of Malta; (4) And moreover due to the fact that on Wednesday 5th March 2025 at around half past eight in the evening (20:30hrs) and/or in the previous times and on Thursday 6th March 2025 at around nine in the morning (9:00hrs) and/or in the previous times at the residence No.132, “Ta’ Nena” Triq Guzè Damato, Tarxien, and/or in any other places in these Maltese Islands, under the same circumstances uttered, insulted or threatened Radhika Mohan not otherwise provided for in tis Code, or if he was provoked, same carried his insult beyond the limit warranted by the provocation in terms of Section 339(1) (e) of Chapter 9 of the Laws of Malta.

The accused declared that he is guilty of the charges brought against him. In view of said guilty plea by the accused, the Court must find the accused so guilty of all the charges brought against him.

For the purposes of punishment the Court took into the account the nature of the charges brought against the accused and admitted by him, but it also took into account the fact that the accused has a clean conviction sheet and that he submitted a guilty plea at an early stage of the proceedings. The Court also took into account that the second, third and fourth charges brought against the accused are absorbed in the first charge brought against him.

Therefore, after having seen and considered Sections 31, 202(h)(iv)(v), 214, 215, 221(1)(4), 222(1)(a), 251B(1)(2), 251H(a)(b)(d)(f), 251HA, 325(1)(b) and 339(1)(e) of Chapter 9 of the Laws of Malta, the Court finds the accused guilty, upon his own admission, of the charges brought against him and condemns him to two (2) years imprisonment however, in view of the fact that the Court deems that there are sufficient reasons which warrant the suspension of the prison term being here imposed on the accused, namely that the accused has a clean Maltese conviction sheet and that he submitted a guilty plea at an early stage of the proceedings, in terms of Section 28A of Chapter 9 of the Laws of Malta, it is hereby suspending the term of two (2) years imprisonment being imposed on the accused for a period of four (4) years from date of this judgement.

In terms of Section 28A(4) of Chapter 9 of the Laws of Malta, the Court explained to the accused in plain language his liability under Section 28B of Chapter 9 of the Laws of Malta, if during the operational period of this suspended sentence he commits an offence punishable with imprisonment.

In terms of Section 28H of Chapter 9 of the Laws of Malta, the Court condemns the accused to pay to Radhika Mohran the sum of four hundred Euros (€400) within

one (1) month from date of this judgement. The Court explained to the accused in plain language his liability under Section 28H of Chapter 9 of the Laws of Malta if he fails to pay the sum of €400 within the period stipulated in this judgement.

In view of the fact that the accused and the victim will remain living in the same household, the Court abstains from issuing a Restraining Order in terms of Section 382A of Chapter 9 of the Laws of Malta, against the accused. It also abstains from imposing on the accused an obligation in terms of Section 383 *et seq* of Chapter 9 of the Laws of Malta.

Since no Experts have been appointed in these proceedings, the Court abstains from considering the request by the Prosecution in terms of Section 533 of Chapter 9 of the Laws of Malta.

In terms of Sections 370(6) and 392A(2) of Chapter 9 of the Laws of Malta, the Court orders that the Attorney General be granted access by electronic means to a scanned copy of the records of these proceedings, together with a scanned copy of this judgement within six (6) working days.

MAGISTRATE

DEPUTY REGISTRAR