



MALTA

QORTI TA' L-APPELL KRIMINALI

**ONOR. IMHALLEF
DAVID SCICLUNA**

Seduta tal-5 ta' Mejju, 2006

Appell Kriminali Numru. 298/2005

The Police

vs.

Emanuel Okonkwo

The Court,

Having seen the charge proffered against the accused in the Court of Magistrates (Malta) as a Court of Criminal Judicature that is to say that on the 16th May 2005 at about 10.00 p.m. while in the Republic Bar, Wilga Street, Saint Julian's, he uttered insults or threats against Juliet Okana and Carlos Cordina;

Having seen this Court's preliminary decision of the 14th February 2006 whereby it annulled the judgement delivered by the Court of Magistrates (Malta) as a Court of Criminal Judicature on the 20th October 2005 and ordered that the evidence be heard before this Court;

Having heard the evidence;

Having heard submissions by counsel for the prosecution and for the defence;

Having considered:

This case refers to an incident which allegedly took place on the 16th May 2005 at the Republic Bar in Wilga Street, Saint Julian's. The evidence adduced may be summed up as follows:

Juliet Okana stated that on the 16th May she was sitting at the Republic Bar with her friend Carlos Cordina. Appellant, her ex-husband from whom she is divorced, was in the same bar and he started threatening her that he has given her enough time and that if she did not return to him he would kill her. He called her a prostitute and quizzed her about Carlos Cordina who went to call the police because of appellant's attitude. She rejected defence's suggestion that she had previously called appellant to meet her.

Carlos Cordina confirmed that he renounced to the criminal action against appellant. With regards to this incident he said that while he was having a drink with Juliet Okana, he saw appellant come in and he looked very nervous. Appellant was looking at him all the time and suddenly started shouting and threatening that he would kill them. Witness said that he went to Saint Julian's police station to call the police. When they came they talked to appellant and after they had left appellant re-entered the bar. Witness said that he offered appellant a beer and they sat and talked for quite a long time. He also stated that appellant called Juliet Okana a bitch and that she goes around with everyone.

Appellant said that on the day in question he had to meet his wife at four o'clock in the afternoon at a bar near Paceville. He waited for some time and as she did not turn up he called her, she told him that she could not come

and that he could go down to her place of work. This he did, they talked for some time, and shortly after Carlos Cordina came in. Appellant was smoking a cigarette and shortly after that the police arrived who called him out and informed him that they had received a report from Carlos Cordina that he had threatened Okana and Cordina. When the police left, he re-entered the bar and even sat down with Carlos Cordina. He denied having insulted or threatened anyone that day.

This Court, having heard the evidence *viva voce*, is of the opinion that appellant's denial is but a feeble attempt on his part to exculpate himself. It is satisfied that the insult and threat he uttered did happen and they are what led Carlos Cordina to call the police, and not because he was smoking a cigarette. The fact that he subsequently ended up having a drink with Carlos Cordina is an indication that Cordina did not want to aggravate matters and shows that appellant himself is capable of acting correctly.

Once appellant and his wife are separated or divorced, and his ex-wife is clearly refusing to have anything further to do with him, it is futile for appellant to keep on molesting her. She has a right to live her own life without any interference on his part. This Court is therefore going to apply the provisions of section 383 of the Criminal Code while severely warning him that these Courts will not take lightly any further infringement of the law on his part.

For these reasons:

The Court decides by (1) abstaining from taking further cognizance of the charge insofar as Carlos Cordina is concerned in view of the latters' renunciation of the criminal action against appellant, and (2) finding appellant guilty of the charge brought against him insofar as Juliet Okana is concerned and, after having seen section 339(1)(e) of the Criminal Code, provides for the safety of Juliet Okana in terms of section 383 of the Criminal Code by ordering that appellant enters into his own

Kopja Informali ta' Sentenza

recognisance in the sum of three hundred Maltese liri (Lm300) for a period of twelve months from today.

< Sentenza Finali >

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