



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

**MAGISTRATE DR.
EDWINA GRIMA**

Sitting of the 18 th May, 2009

Number. 971/2008

**The Police
(Inspector Bernard Charles Spiteri)**

vs

**Diego Fernando Cecilio, 36 years old, son of Ismael
and Marta nee' Paz, born in Argentina on the 5th
February 1972, currently residing in Malta at Block 16,
Flt 5, Milner Street, Sliema, holder of passport number
22619865**

The Court;

Having seen the charges brought against accused Diego Fernando Cecilio with having on the 7th August 2008, at around 4.00a.m. in Ball Street, Paceville:

1. Without the intent to kill or put the life in manifest jeopardy caused grievous bodily harm on the person of Mathew Muscat.

2. Willfully disturbed the public good order or the public peace.

Having seen the documents exhibited;

Having seen the consent of the Attorney General of the 6th October, 2008;

Having heard the injured party Mathew Muscat declares that he forgives the accused for the injuries sustained and that he wishes to renounce to any criminal action against the accused.

Considers;

That that the accused is being charge with causing grievous bodily harm on the person of Mathew Muscat. That from the evidence brought before the Court by the Prosecution there is a conflict with regards to the nature of the injuries sustained by injured party since Mathew Muscat himself declares that his injuries are today completely cured. Consequently the Court can find the accused guilty of causing injuries of a slight nature in view of this conflict in the evidence produced. However the injured party Mathew Muscat renounced to any criminal action he may have against the accused according to law and therefore the Court declares that the criminal action has been extinguished.

With regards to the 2nd charge brought against the accused this has not been proven beyond reasonable doubt and the Court is acquitting accused from the said charge.

Consequently the Court in view of the above made considerations after having seen Section 221 of the Criminal Code finds the accused guilty of causing injuries of a slight nature only, however declares that the criminal action has been extinguished in view of the renunciation by the injured party and acquits the accused from the second charge brought against him since it has not been sufficiently proven.

Informal Copy of Judgement

< Final Judgement >

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