



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

**MAGISTRATE DR.  
ANTONIO MICALLEF TRIGONA**

Sitting of the 1 st June, 2009

Number 408/2009

The Police  
(Inspector Mario Haber and  
Inspector Arthur Mercieca)

vs.

Tyobor Osato

The Court,

Having seen the charges brought against the accused holder of Police number O9B051 with having:

1. on the 23<sup>rd</sup> March 2009 at about 6:30a.m. at the Safi Detention Centre Safi assaulted or resisted by violence or active force not amounting to public violence, sergeant 85752 Zarb, person lawfully charged with a public duty when in the execution of the law or of a lawful order issued by a competent authority;

2. on the same date, time and place wilfully disturbed the public good order or the public peace.

The Court is requested, if it deems it expedient, in addition to the punishment applicable to the offence, applies the provisions of Art 383 of the Criminal Code to provide for the safety of Sergeant Zarb.

Having seen the consent of the Attorney General that the case be heard summarily, unopposed by the accused.

Having heard the evidence.

Having seen the documents and records.

Considers:

That from the evidence it clearly transpires that on the day and time stated in the charge sheet accused rendered himself guilty of breaching Article 95 of Chapter 9 when he wilfully and intentionally kicked Sergeant 85752 Zarb in the back. It also transpires that the Sergeant was on the day and time in question performing his duties as a public officer.

In so far as the second charge is concerned the evidence shows that there were some incidents at the Detention Centre on the day in question which led to minor scuffles between the inmates at the Centre and the officers in charge and it was in the course of such incidents that the accused kicked the Sergeant. Consequently this second charge does not hold and to all intents and purposes is absorbed in the first.

Therefore it declares accused guilty of the first charge. Having seen Article 95, 221, 338 (dd) and 17 of the Criminal Code condemns him to a term of imprisonment of 90 days from which shall be deducted any period the accused has done in preventive custody in connection with these proceedings.

Informal Copy of Judgement

**< Final Judgement >**

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