



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

**MAGISTRATE DR.
SAVIOUR DEMICOLI**

Sitting of the 28 th January, 2011

Number 327/2009

**The Police
(Inspector Therese Sciberras)**

vs

BAMBA GUMAR

The Court,

Seen the charges brought against Bamba Gumar 21 years old d.o.b. 01st January 1986 Ivory Coast son of Bamba Ibrahim and Andel Fatqi and residing at no Block A flat no 6 Liliana Apartments, Gulju Street St Paul's Bay holder of the identity card number 39540A

Charged that whilst in the Maltese Islands on the 28th December 2008 and in the previous days sometime he reviled or threatened, or caused bodily harm to any

person lawfully charged with a public duty and that is Insp T. Sciberras, PS 914 I. Mifsud and PC 675 D. Sciberras while in the act of discharging their duty or because of their having discharged such duty, or with intent to intimidate or unduly influence them in the discharge of such duty,

And moreover also charged that during the same time, place and circumstances he assaulted or resisted by violence or active force not amounting to public violence persons lawfully charged with a public duty and that is PS 914 I. Mifsud and PC 675 D. Sciberras when in the execution of the law or of a lawful order issued by a competent authority,

And moreover also charged that during the same time, place and circumstances whilst he was in a public place, he uttered obscene words

And moreover also charged that during the same time, place and circumstances he disobeyed the lawful orders of any authority or of any person entrusted with a public service and that is PS 914 I. Mifsud and PC 675 D. Sciberras or hindered or obstructed such persons in the exercise of their duties, or otherwise unduly interfered with the exercise of such duties, either by preventing other persons from doing what they are lawfully enjoined or allowed to do, or by frustrating or undoing what has been lawfully done by other persons, or in any other manner whatsoever unless such disobedience or interference falls under any other provision of this Code

And moreover also charged that during the same time, place and circumstances in any manner not otherwise provided for in the Criminal Code wilfully disturbed the public good order or the public peace;

And moreover also charged that during the same time, place and circumstances uttered threatening, abusive or insulting words or behaviour, or otherwise conducted himself in such a manner, with intent thereby to stir up

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racial hatred or whereby racial hatred is likely, having regard to all the circumstances, to be stirred up.

Seen the acts of the Case and the exhibited documents.

Seen the Attorney General's Consent exhibited as Doc TS3 and noted that accused Bamba Gumar has no objection to his case being dealt with summarily.

Noted that in his examination accused replied that he is pleading guilty to all the charges brought against him.

The Court warned the accused in the most solemn manner as to the consequences of his admission of guilt and gave him some time to decide whether to confirm his admission of guilt or not, and having been asked whether he confirms his admission of guilt or not, the accused confirmed that he is pleading guilty to all the charges brought against him.

Seen sections 17, 95, 96, 338(bb), 342, 338 (ee), 338(dd) and 82A(1) of Chapter 9 of the Laws of Malta.

Considering that accused Bamba Gumar pleaded guilty to all the charges brought against him, the Court has no alternative but to find said accused guilty of all the charges brought against him and having considered all the circumstances of the Case including on the one hand the fact that accused entered his plea of guilt to the said charges in the early stage of the proceedings and the clean criminal conduct sheet of said accused and on the other hand the gravity of the case and having seen sections 28A and 28B of Chapter 9 of the Laws of Malta, condemns accused Bamba Gumar to the punishment of two (2) years imprisonment and orders that this Sentence as regards the punishment of imprisonment should not take effect unless during the period of four (4) years as from today accused Bamba Gumar commits another offence punishable with imprisonment.

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The Court is giving the accused Bamba Gumar the explanation prescribed in section 28A(4) of Chapter 9 of the Laws of Malta.

< Final Judgement >

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