

Kopja Informali ta' Sentenza



**QORTI TAL-MAGISTRATI (MALTA)
BHALA QORTI TA' GUDIKATURA KRIMINALI**

**MAGISTRAT
DOREEN CLARKE**

Seduta ta' l-24 ta' Frar, 2011

Numru. 285/2011

**The Police
(Inspector Therese Sciberras)**

vs

Isaac Unigwe

Today the 24th of February 2011

Case Number: 285/2011

The Court,

Having seen the charges against Isaac Unigwe, of 31 years of age, born on the 1st of December, 1979 in Zambia, Nigeria, son of Clement and Cecilia nee Chanda residing at Sunflower Apartments flat number 3, Triq it-

Turisti, St. Paul's Bay and holder of the Identity Card no: 25514A.

Charged with having, whilst in the Maltese Islands, on the 10th of February, 2011 and in the previous months pursued a course of conduct which amounts to the harassment of his wife Paula Antonia Meli and which he knew or ought to have known that he was harassing his wife Paula Antonia Meli.

Also in the same place, date and time and circumstances on the night between the 9th and the 10th February, 2011 whilst in Mellieha voluntarily caused damages which amount to more than €23.33 and less than €11,650 on the vehicle having the registration number IBL 231 to the detriment of his wife Paula Antonia Meli.

And also in the same place, date and time and circumstances of having driven a motor vehicle in a reckless, negligent or dangerous manner.

In the night between the 24th and 25th of July, 2010 of having caused slight injuries on your wife Paula Antonia Meli as certified by Dr.Flores Martin Brian of the Floriana Health Centre.

Moreover, of having on the 18th of October, 2010, whilst in Pembroke attempted to use force on Paula Antonia Meli with the intent to insult, annoy or hurt her.

Moreover of having on the 18th of October, 2010, whilst in Pembroke, insulted Paula Antonia Meli or being provoked carried his insults beyond the limit warranted by the provocation.

Moreover of having on the 31st of October, 2010 whilst in Pembroke, caused slight injuries on your wife Paula Antonia Meli as certified by Dr.Steve Farrugia Reg Number 3129 of the Floriana Health Centre and by Dr. H.Clauson of the Floriana Health Centre.

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Moreover, charged with having, whilst in the Maltese Islands on the 10th of February, 2011 and in the previous months caused Paula Antonia Meli to fear that violence was going to be used against her or against her property or against the person or property of her ascendants or descendants, brothers or sisters or any other persons mentioned in Article 222 (1).

The court was asked, in the event that the accused is found guilty, he be disqualified from his driving licences for a period as deemed fit by the Law Courts.

The court was also asked to issue a protection order in terms of Article 412C so as to prohibit the accused from going near the persons and their residence and the places they frequent.

In the case of guilt the Court was asked to provide for the security of the people involved and their family by issuing an order in terms of article 383/384 et sequitor of Chapter 9 of the Laws of Malta.

Having seen sections 221, 222, 251A, 251B, 325(1)(a) and 339(1)(d)(e) of Chapter 9 of the Laws of Malta and section 15 of Chapter 65 of the Laws of Malta.

Having seen that during the sitting held today by this Court as a Court of Criminal Inquiry the accused admitted the charges brought against him and confirmed his admission of guilt even after having been given time to reconsider his plea.

Having seen the acts of the proceedings.

Having heard the oral submissions made by the parties.

Having considered

That the accused admitted the charges brought against him; the charges are consequently sufficiently proved.

That as regards the penalty to be meted out the Court considered on the one hand the nature of the offences of which the accused is being found guilty and on the other hand his cooperation with the police, his admission at the early stages of these proceedings as well as his clean conviction sheet.

For these reasons the Court after having seen sections 221, 222, 251A, 251B, 325(1)(a) and 339(1)(d)(e) of Chapter 9 of the Laws of Malta and section 15 of Chapter 65 of the Laws of Malta, on his admission finds the accused guilty of the charges brought against him and condemns him to eighteen (18) months imprisonment which by application of section 28A of Chapter 9 of the Laws of Malta are being suspended for a period of three years and by application of section 28H of the said Chapter 9 is ordering the accused to pay Paula Hili the sum of €5,964.49 within six (6) months. Furthermore by application of section 412C of the said Chapter 9 the Court, in order to provide for the safety of Paula Meli, is issuing a protection order against the accused for a period of three (3) years imposing all the restrictions listed in subarticle 3 of the said section 412C; the accused is also prohibited from going to Pembroke. In conclusion the Court is disqualifying the accused from having or obtaining a driving license for a period of three months.

The Court explained to the accused in ordinary language his liability under article 28B of Chapter 9 of the Laws of Malta if during the operational period he commits an offence punishable with imprisonment.

< Sentenza Finali >

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