



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

**MAGISTRAT DR.
MARSEANN FARRUGIA**

Seduta tal-5 ta' Lulju, 2011

Numru 795/201

**The Police
(Insp Therese Sciberras)**

vs.

Beneth Belonwu

The Court,

Having seen the charges brought against Beneth Belonwu, Nigerian, 31 years old, born on the 1st January 1979 in Jigawa Nigeria, son of Emanuel and Vicky nee' Belonwu, residing at John Coll Flat 64, Triq Gulju, St Paul's Bay, holder of ID 45966 (A).

Accused for having on the 4th July 2011 and some time between 08.00hrs and 17.00hrs in Qawra St Paul's Bay Malta, assaulted o resisted by violence persons lawfully charged with a public duty that is PS 300 when in the

execution of the law or of a lawful order issued by a competent authority (Chapter 9 Article 96 of the Laws of Malta)

Moreover accused for having on the same date, time, place and circumstances, disobeyed the lawful orders of any authority or of any person entrusted with a public service, or hindered or obstructed such person in the exercise of his 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 frustrating or undoing what has been lawfully done by other persons or in any other manner whatsoever (Chapter 9 Article 338 (ee) of the Laws of Malta)

Moreover accused for having on the same date, time, place and circumstances, broke the public peace by means of rowdiness or other means (Chapter 9 Article 338 M of the Laws of Malta)

After having heard the evidence and seen the all the records of the case.

After having heard the accused plead guilty to the charge at an early stage of the proceedings, which admission was confirmed by the same accused even after the Court, in terms of Section 453(1) of Chapter 9 of the Laws of Malta, warned him of the legal consequences of that admission, and allowed him sufficient time to re-consider his reply, and to change it;

After having heard the oral submissions on the punishment;

Considered that:

From the evidence brought forward and from the guilty plea filed by the accused himself, the Court concludes that the accused is guilty of the charges laid against him.

As regards the punishment, the Court took into consideration the fact that the accused admitted to the charges at a very early stage of the proceedings, the fact that he co-operated with the police, that he has a clean criminal record, that the incident took place due to a genuine misunderstanding by the accused that he could

get the money owned to him by his employer from the Police Station, and that the policeman concerned had only superficial injuries.

The Court, after seeing Sections 96 and 338 (ee) of Chapter 9 of the Laws of Malta, finds the accused guilty as charged, but in the light of the considerations above-mentioned, and by applying Section 22 of Chapter 446, is discharging him, on condition that he does not commit another crime within three years (3) years from to-day.

In accordance with Section 22(3) of Chapter 446 of the Laws of Malta, the Court explained in clear and simple language the meaning of this judgement to the accused.

The Court orders that this judgement together with the proceedings of this case be sent to the Attorney General within the time-limit stipulated by law.

< Sentenza Finali >

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