



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

**MAGISTRATE  
ANTONIO GIOVANNI VELLA**

Sitting of the 9 th August, 2011

Number. 859/2011

**POLICE  
INSPECTOR ANNA MARIE MICALLEF**

**VS**

**HRISTOV NIKOLAY**

**The Court;**

After seeing the charges brought against:

Hristov Nikolay, of 24 years, son of Hristo and Hristina born in Varna (Bulgaria) on the 10<sup>th</sup> June 1987, residing at 120, Flat 1, Sliema Road, Gzira, holder of Bulgarian Identity Card number 641814332 and Maltese Identity Card number 63594(A);

For having on the 26<sup>th</sup> July 2011, at around 5.00am whilst in Rue D' Argens Street, Gzira;

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- 1) Caused grievous injuries on the person of Sarah Zammit, as certified by Dr. Marquita Camilleri M.D. Reg No. 5280 from Mater Dei Hospital;
- 2) Also on the same date, time, place and circumstances committed theft to the detriment of Sarah Zammit, which theft is aggravated by violence, and by time;
- 3) Also on the same date, time, place and circumstances, wilfully disturbed the public peace;

### **Considers:**

After having heard the evidence and the documents exhibited;

After having seen Articles 216, 261, 262 (1) (a) and 270 of Chapter 9 of the Laws of Malta;

After having seen the accused admit the charges brought against him, which admission was confirmed by him after having been given due time to reconsider in accordance with the law;

After having seen that the Court was thus converted from one of a Criminal Inquiry to one of a Criminal Judicature, and in terms of Article 392A of Chapter 9 the Court could deliver judgement summarily against the accused;

### **Considers further:**

The facts of the case were as follows. In the early hours of the morning of the 26<sup>th</sup> July, 2011, at around 5.00am, the accused was in Gzira together with a male friend of his on a motorbike, when they stopped to ask a woman in the street whether she was a prostitute. They asked for her services, but for some reason the accused assaulted the

woman and injured her in the face. The woman, Sarah Zammit, was taken to hospital where it was determined that she had suffered a lacero-contused wound of approximately one centimetre on her lip, which wound could leave a permanent mark. The accused, upon having assaulted her, stole her purse and fled from the scene, only to be apprehended some time later. He was duly arrested and charged in Court.

Since the accused has chosen to admit the charges brought against him, the Court is finding him guilty and shall proceed to consider the punishment in this case. The Court sees this early admission as one of the mitigating factors in this case, as are the restitution of the money stolen from Zammit, which was paid during today's hearing in Court, and the accused's otherwise clean criminal record. With regard to the injuries sustained by Zammit, the Court could not see the scar on her lip from a distance, but this became more visible as she drew nearer and was within talking distance. Nonetheless, it was still too early in the day to determine whether the wound would leave a permanent mark or not, and therefore the Court must necessarily consider this type of bodily harm as grievous, as it may be classified both under Article 216(1)(a)(iii) and Article 216(1)(b) of Chapter 9 of the Laws of Malta. It is for these reasons, therefore, that the Court will sentence the accused to a term of imprisonment of two years, but it will not bring this term into effect unless the accused commits another offence punishable with imprisonment within a period of three years. The Court will furthermore issue a protection order in favour of Sarah Zammit, also for a period of three years, in accordance with the provisions of Article 412C of Chapter 9.

**Now, therefore, for these reasons;**

After having heard the accused's plea and after having given the time prescribed by Law for the accused to consider his plea, this Court finds the said accused guilty

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as charged, and condemns him to a term of two (2) years imprisonment suspended for three (3) years in accordance with the provisions of Article 28A of Chapter 9 of the Laws of Malta.

The Court furthermore orders that a protection order be issued in favour of Sarah Zammit for three (3) years in accordance with the provisions of Article 412C of Chapter 9 of the Law of Malta.

The Court explained in clear words the terms of the judgement to the accused.

**< Final Judgement >**

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