

Kopja Informali ta' Sentenza



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

**MAGISTRAT DR.
DOREEN CLARKE**

Seduta tas-7 ta' Dicembru, 2011

Numru 497/2009

**The Police
(Inspector Priscilla Caruana)**

vs

Awdu Tanku

Today the 7th December 2011

Case Number: 497/2009

The Court,

Having seen the charges against Awdu Tanku son of Awdusalifu and Bassabi nee Aicitu, born in Togo in the year 1972 residing at Tent Centre Hal Far limits of Birzebbugia holder of the police number 154-EE.

Charged with having on the 21st of May, 2009 at about 6:15hrs at the Tent village Open Centre, Hal Far, Birzebbuga reviled, threatened or caused bodily harm to Mark Anthony Dimech and Felix Grech, persons lawfully charged with a public duty, while in the act of discharging their duty or because of having discharged such duty, or with intent to intimidate or unduly influence them in the discharge of such duty;

Also for having on the same date, time, place and circumstances assaulted or resisted by violence or active force not amounting to public violence Mark Anthony Dimech and Felix Grech, persons lawfully charged with a public duty when in the execution of the law or of a lawful order issued by a competent authority.

Also for having on the same date, time, place and circumstances caused injuries of a slight nature on Mark Anthony Dimech and Felix Grech, as certified by Lt.Col. R.Galea M.D. principal medical officer of the Armed Forces of Malta.

Also for having on the same date, time, place and circumstances wilfully disturbed the public good order or the public peace.

Also 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, unless such disobedience or interference falls under any other provision of this code or of any other law;

And also for having on the same date, time, place and circumstances refused to give to any public officer or any other person entrusted with a public service in the actual

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exercise of his duties, his name, surname, address and other particulars.

The Court, was requested to, in addition to, or in lieu of the punishment applicable to the offence, apply the provisions of section 383 of the Criminal Code for the safety of Mark Anthony Dimech and Felix Grech.

Having seen sections 95, 96, 221, and 338(g)(dd)(ee) of Chapter 9 of the Laws of Malta.

Having seen the consent by the Attorney General for this case to be heard summarily and that the accused had no objection to the case being so heard.

Having seen that during the sitting held today 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 the circumstances which led to the incident in question and the mental state of the accused. It is relevant to note that the accused is responding to treatment and has made considerable progress and it is further treatment that he is primarily in need of.

For these reasons the Court after having seen sections 95, 96, 221, and 338(g)(dd)(ee) of Chapter 9 of the Laws of Malta, on his admission finds the accused guilty of the charges brought against him and by application of section

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7 of Chapter 446 of the Laws of Malta is placing the accused under probation for a period of three years with the conditions listed in the order given today.

The Court explained to the accused in ordinary language the significance of this judgement and of his liability should he commit an other offence in the said period of three years or if he fails to comply with the conditions of the probation.

The Court is ordering that a copy of this judgement is served on the Director of Probation.

< Sentenza Finali >

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