



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

**MAGISTRATE DR.  
MARSEANN FARRUGIA**

Sitting of the 25 th April, 2012

Number 431/2012

**The Police  
(Insp Godwin Scerri)**

**vs.**

**Winkler Gunther**

The Court,

Having seen the charge brought against Winkler Gunther, 47 years of age, son of Friedrieck and Irene nee Putinsky, born at Graz, Austria on the 28<sup>th</sup> July 1964 and residing at room 862, Hilton Hotel, St Julians, holder of passport number P2602226.

Charged with having on these Islands on the 24<sup>th</sup> April 2012 at around 5.00pm in Spinola Square St Julians, wilfully committed voluntary spoile, damage or injury to or upon any movable or immovable object, of damage that

does not exceed 1116.69 Euro but exceeds the amount of 116.47 Euro to the detriment of the Arriva Co Ltd, Article 325 (b) of Chapter 9 of the Laws of Malta.

After having heard the evidence and seen 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, co-operated with the police and was willing to pay for the damages.

The Court, after seeing Sections 325 (b) of Chapter 9 of the Laws of Malta, finds the accused guilty as charged, and condemns him to six months imprisonment, but in the light of the considerations above-mentioned, this term of imprisonment is being suspended for a period of two (2) years from to-day, in terms of Section 28A(1) of Chapter 9.

In terms of Section 28H(1) of Chapter 9 of the Laws of Malta, the Court is also ordering the offender to pay the sum of one hundred and fifty Euro (€150.00) to the injured party, within the period of 24 hours.

In accordance with Sections 28A(4) and 28H(7) of Chapter 9 of the Laws of Malta, the Court explained in clear and simple language the meaning of this judgement to the offender, and the consequences which would follow if he fails to abide by it, that is if he commits another offence which is punishable by imprisonment within the operative period, and/or if he fails to pay the injured party

Informal Copy of Judgement

the amount prescribed above within the time limit stipulated above.

**< Final Judgement >**

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