



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

**MAGISTRATE DR.  
GABRIELLA VELLA**

Sitting of the 12 th November, 2012

Number 1175/2012

**Police  
(Inspector Trevor Micallef)**

**Vs**

**Remco Galjee**

**The Court,**

After having seen the charges brought against Remco Galjee, son of Franciskus Wilhelmus Maria and Antonia nee' Mulder, born in Holland on the 20<sup>th</sup> October 1972 and residing at St.George's, Flat 9, Triq il-Ghajj, Swieqi, holder of Maltese Identity Card Number 80917 (A) and holder of Dutch Passport Number NRC4FH1B4, of having on these islands on the night between the 11<sup>th</sup> and 12<sup>th</sup> November 2012, at about three in the morning (03:00 a.m.) in St.George's Flat 9, Triq il-Ghajj, Swieqi, or in the vicinity:

## Informal Copy of Judgement

1. Without the intent to kill or put the life in manifest jeopardy, caused grievous bodily harm on the person of Stephanie Nap; and
2. Willfully disturbed the public good order or the public peace;

After having examined all documents forming part of the records of these proceedings;

After having considered that the accused pleads that he is not guilty of the charges brought against him; and

After having considered that the alleged victim, that is Stephanie Nap, declared that she does not want to press charges against the accused and that she does not want to give evidence against him;

After having considered that the accused exempted the Prosecuting Officer from putting forth evidence in support of the veracity of the Police Report pertinent to this incident, the medical certificate pertinent to Stephanie Nap and of the statement given by the accused submitted by the Prosecuting Officer and marked as documents Doc. "TM1" to Doc. "TM3";

### **Considers:**

The Prosecution is charging the accused of having on the night between the 11<sup>th</sup> and 12<sup>th</sup> November 2012, at about 03:00 a.m. in St. George's, Flat 9, Triq il-Ghajj, Swieqi, or in the vicinity: (i) without the intent to kill or put the life in manifest jeopardy, caused grievous bodily harm on the person of Stephanie Nap; and (ii) willfully disturbed the public good order or the public peace.

It is a fundamental principle in criminal proceedings that the Prosecution must prove its case against the accused beyond reasonable doubt. In this case however the onus of proof was not satisfied by the Prosecution particularly in the light of the fact that the alleged victim Stephanie Nap opted not to give evidence against the accused and also

Informal Copy of Judgement

declared that she does not want to press further charges against him.

In the light of the above and since the Prosecution did not prove its case against the accused to the degree required by law, that is beyond reasonable doubt, the Court acquits the accused of the charges brought against him.

**< Final Judgement >**

-----END-----