



MALTA

**QORTI TAL-MAGISTRATI**  
**(GHAWDEX) BHALA QORTI TA' GUDIKATURA KRIMINALI**  
**MAGISTRAT DR.**  
**JOSETTE DEMICOLI**

Seduta tas-6 ta' Mejju, 2014

Numru. 200/2014

**The Police**

**(Inspector Bernard Charles Spiteri)**

**Vs**

**Ainab Mohammed Farhan holder of Maltese ID No. 33868(A) aged 33 years, son of Mahmoud and Fatima Abdul Rahman, born in Mogadishu, Somalia, on the 1<sup>st</sup> January 1979, and currently residing at Flat 1, Tal-Grazzja Flats, Mons Giuseppi Depiro Street, Zebbug, Gozo.**

The Court,

## Kopja Informali ta' Sentenza

Having seen the charges brought against the accused whereby he was charged with:

1. having on the 5<sup>th</sup> May 2014 and during the previous months with several acts committed by himself, even at different times, constitute violations of the same provisions of the law, and are committed in pursuance of the same design, whilst being at Victoria, Gozo and/or at the Maltese Islands, failed to observe the bail conditions imposed by the Criminal Court presided by Hon. Mr Justice David Scicluna LL.D. Mag. Jur. (Eur. Law) on the 16<sup>th</sup> July 2012 in breach of article 579(2) of the Chapter 9 of the Laws of Malta.
2. The Court is being asked to revoke the bail conditions of Ainab Mohamud Farhan and order his re-arrest, whilst the sum stated in the bail bond shall be forfeited to the Government of Malta as stipulated in article 579(2)(3) of the Chapter 9 of the Laws of Malta.
3. And also with having in these islands, committed a crime during a period of probation order that was issued by the Court of Magistrates (Gozo), on the 20<sup>th</sup> August 2013 for a period of 1 year.
4. And moreover for becoming a recidivist after being sentenced for an offence by a judgment which has become absolute and this in breach of articles 49 and 50 of the Criminal Code.

Having heard the Prosecuting Officer giving evidence.

Having seen all the documents exhibited namely the statement released by the accused marked as Dok BS1, a copy of the accused personal details marked as Dok BS2, the incident report marked as Dok BS3 and six court decrees which are marked as Dok BS4 to Dok BS9 and a copy of the bail conditions dated 16th July 2012 marked as Dok BS10.

Having heard oral submissions.

Considers

## Kopja Informali ta' Sentenza

The accused is being charged that he is in breach of certain conditions which were imposed upon him by the Criminal Court presided by Mr Justice David Scicluna by means of a decree dated 16th July 2012.

However, the Court notes that the Prosecution has presented only a photocopy of the true copy of the decree granting bail conditions imposed by the Criminal Court dated 16<sup>th</sup> July 2012, which copy has thus not been duly certified as authentic by the competent officer. This is certainly not the best proof as required by law.

Having also seen article 579(2) of the Criminal Code.

Hence, in the absence of the best proof the Court finds the accused not guilty as charged and discharges him thereof.

**< Sentenza Finali >**

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