



MALTA

COURT OF MAGISTRATES (MALTA)
AS A COURT OF CRIMINAL JUDICATURE
MAGISTRATE DR.
SAVIOUR DEMICOLI

Sitting of the 26 th February, 2014

Number. 39/2014

The Police
(Inspector Kylie Borg)

VS

MUSTAFA ABOKOR DUALE

The Court,

Seen the charges brought against Mustafa Abokor Duale of 33 years, son of Abokor Duale and Hawija Mohamed born in Mogadishu (Somalia) on the 01st December 1980 and residing at Tent Centre, Hal Far, L/O Zurrieq and holder of Maltese ID Card bearing number: 42359A

He was charged with having on the 28th December 2013 at about 00.30hrs, whilst in Marsa;

1. Wilfully committed spoil or damage upon any movable or immovable property (on Hyundai Accent bearing registration number GAN 614), with the amount of damage exceeding one thousand and one hundred and sixty-four euro and sixty-nine cents (€1,164.69);
2. and on the same place, date, and time, whilst in a public place or place open to public, was found drunk and incapable of taking care of himself

The Court was also requested to provide for the safety of Haile Ayneta Asmerom under Article 412C, where the court prohibits or restricts the accused from approaching or following the movements of the injured person or any other individual specified in the order.

Seen the acts of the Case and exhibited documents.

Seen the Attorney General's consent exhibited as Doc. KB9 in the acts of the Proceedings and noted that accused has no objection that the Case be heard summarily.

Noted that in his examination accused replied that he was guilty to all the charges brought against him.

The Court warned accused in the most solemn manner as to the consequences of his admission of guilt and gave him some time to decide whether to confirm his admission of guilt or not, and having been asked whether he confirms his admission of guilt or not, accused confirmed that he is pleading guilty to all the charges brought against him.

In today's Sitting accused declared that he is binding himself that within nine (9) months as from today he will pay the sum of €1365.10 to complainant Asmerom Ayneta Haile.

Heard submissions on punishment made by Prosecution and Defence.

Seen Sections 17, 325(1) (a) and 388(ff) of Chapter 9 of the Laws of Malta.

Finds accused Mustafa Abokor Duale, on admission of guilt, guilty of all the charges brought against him, taking into consideration all the circumstances of the Case including the fact that accused pleaded guilty to all the charges brought against him at an early stage of the Proceedings and accused's clean criminal conduct sheet and that in today's Sitting accused declared that within nine (9) months as from today he will pay the sum of €1365.10 to complainant Asmerom Ayneta Haile and having seen Sections 28A and 28B of Chapter 9 of the Laws of Malta condemns accused Mustafa Abokor Duale to two (2) years imprisonment and orders that this Sentence as regards the punishment of imprisonment shall not take effect unless during the period of three (3) years as from today accused Mustafa Abokor Duale commits another offence punishable with imprisonment.

Finally the Court is giving accused Mustafa Abokor Duale the explanation prescribed in sub-section 28A(4) of Chapter 9 of the Laws of Malta.

< Final Judgement >

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