



MALTA

**COURT OF MAGISTRATES (MALTA)**  
**AS A COURT OF CRIMINAL JUDICATURE**  
**MAGISTRATE**  
**AARON BUGEJA**

Sitting of the 17<sup>th</sup> February, 2015

Number. 58/2015

**The Police**

**(Inspector Godwin Scerri)**

**vs**

**Mongbet Ousseni**

The Court after seeing the charges in respect of **Mongbet Ousseni**, holder of Maltese identification card number 9000361A where by he was charged with having on the 14<sup>th</sup> January 2015 at around 11:15 am in St. Luke's Street, St. Paul's Bay :

- (1) Without intent to kill or to put the life of Theresa Anisa Menga in manifest jeopardy caused grievous bodily harm in breach of Articles 216 and 217 of the Criminal Code;
- (2) On the same date, time, place and circumstances caused Theresa Anisa Menga fear that violence will be put against her or her property in breach of Article 251B of the Criminal Code;
- (3) On the same date, time, place and circumstances verbally threatened Theresa Anisa Menga where such threats contained an order or imposed conditions in breach of Article 249(2) of the Criminal Code.

Having seen that during the examination of the accused in terms of Article 392 and 370(4) of the Criminal Code the accused declared that he found no objection to his case being dealt with summarily;

Having also seen that the Attorney General declared by means of a note exhibited at fol 5 that he granted his consent to this case being dealt with summarily;

Having seen that the accused, in reply to the question posed in terms of Article 392(1)(b) of the Criminal Code by the Court declared that he was not guilty.

Having seen that subsequently during the sitting of the 13th February 2015 the accused declared that he was guilty as charged.

The Court, in view of this declaration warned the accused in the most solemn manner about the consequences arising out of his guilty plea and granted him a reasonable time in order for him to retract this guilty plea. After that the Court granted this time to the accused, and after consulting with his legal counsel, the accused reiterated that he is guilty as charged.

In view of this declaration, duly reiterated, the Court had no option but to find the accused guilty as charged.

Having seen the records of the proceedings as well as the criminal record sheet of the accused.

Having heard the final oral submissions of the Prosecuting Officer and of the Legal Counsel to the accused.

Having heard the submission of the Prosecuting Officer whereby he informed the Court that the parte civile was present in Court and was willing to testify in this case against her partner. This was a serious case of domestic violence where the injuries were inflicted in a spree of jealousy.

Having heard the Lawyer for the parte civile declare that in this case, the parte civile was willing to testify against the accused and that she was not forgiving him. She further insisted for the issue of a protection order in favour of the parte civile.

Having heard the Defence Counsel for the accused declare that in this case the accused was publicly and in open Court apologizing to the parte civile. He declared that in this case the accused had already learnt his lesson well given that following this incident he lost everything that he had – his partner, his lodging and his work, not to mention his child.

Having seen that in this case the injuries were classified by Dr. Janica Debono as grievous.

Having that according to the charges to which the accused pleaded guilty, these include the provisions of Articles 216{(1)(a)(b)}, 217, 251B and 249(2) of the Criminal Code.

Having seen that the punishment for the first charge is that of imprisonment between five months and four years; however in this case, given that the accused admits in his statement to the Police that the parte civile is his “wife”, this punishment is further aggravated by the provisions of Article 222(1)(a) of the Criminal Code whereby the punishment for this first charge is increased by one degree and therefore to imprisonment between seven months and five years.

Having seen that the punishment established for the second charge is that of imprisonment imprisonment for a term from three to six months or to a fine (*multa*) of not less than four thousand and six hundred and fifty-eight euro and seventy-five cents (4658.75) and not more than eleven thousand and six hundred and forty-six euro and eighty-seven cents (11,646.87), or to both such fine and imprisonment. However in terms of Article 251H the said punishment can be increased by one or two degrees, thus increasing the punishment of imprisonment to a maximum from seven months to one year imprisonment.

According to the third charge contested in terms of Article 249(2) of the Criminal Code, the punishment awardable is that of imprisonment between one and six months and to a fine.

Having seen the provisions of Article 17(b)(h) of the Criminal Code.

**Decide :-**

Consequently, this Court, after having seen Articles 17(b)(h), 214, 216(1)(a)(b), 217, 222(1)(a) with reference to Article 202(h), 251B and 251H and 249(2) of the Criminal Code finds the accused upon his unconditional guilty plea, guilty as charged and condemns him to fifteen months imprisonment together with a fine of five hundred euro (E500).

The Court, having seen Article 412C of the Criminal Code and orders the issue of a protection order in favour of the parte civile for a period of three years.

**Delivered today the 17th February 2015 at the Courts of Justice in Valletta, Malta.**

**< Final Judgement >**

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