



MALTA

COURT OF MAGISTRATES (MALTA)
AS A COURT OF CRIMINAL JUDICATURE
MAGISTRATE DR.
CONSUELO-PILAR SCERRI HERRERA

Sitting of the 30 th July, 2015

Number. 544/2015

The Police

(Inspector Godwin Scerri)

vs

MICHAL NOWAK LUKASZ

The Court,

Having seen that the accused **MICHAL NOWAK LUKASZ**, of 33 years, son of Krzysztof & Barbara nee Noqa, b/a Wroctlawia, Poland on the 13th February 1982, without residence and holder of Polish Identity card no. AXX862648 was arraigned before her and charged with having between the night of the 6th & 7th of July 2015, from garage no 110 situated at St Pauls Street, St Pauls Bay:

1. committed theft of a motor vehicle make Peugeot ABV-613, to the detriment of Anthony Zammit.
2. And of having on the same date, place and circumstances, through imprudence, negligence or unskilfulness in his trade or profession, or through non-observance of any regulation, caused damages to motor vehicle of make Peugeot ABV-613, to the detriment of Anthony Zammit.
3. And with having between the night of the 6th & 7th of July 2015, of attempting to drive or was in charge of a motor vehicle or other vehicle on a road or other public place after consuming so much alcohol that the proportion of it in his breath, blood or urine exceeds the prescribed limit.
4. And with having between the night of the 6th & 7th of July 2015, of driving a motor vehicle or other vehicle without a license.

5. And with having between the night of the 6th & 7th of July 2015, of driving a motor vehicle without a valid insurance policy in respect of third party risks.

6. And of having on the same date, place and circumstances whilst being in a public place or place open to the public, of being drunk and incapable of taking care of himself in breach of Articles 338(ff) of Chapter 9 of the Laws of Malta.

Having seen all the documents exhibited in the acts of these proceedings by the Prosecution in particular true copy of the Polish passport of the accused, consent of the Attorney General for this case to be dealt with summarily, statement of the accused, declaration of refusal for legal assistance, estimate of damages and breathalyser test.

Having heard the accused declare that he does not understand the Maltese language though he understands the English language and thus the Court ordered that the proceedings are to be held in the English language in terms of Section 5 of the Judicial Proceedings Act.

Having heard the accused declare that he is indigent, the Court appointed Dr Joseph Mizzi as Legal Aid Lawyer to assist the accused.

Informal Copy of Judgement

Having heard the accused declare that he understands the nature of the charges brought forward against him.

Having heard the accused plead guilty to the charges brought forward against him and this during the sitting of the 8th July 2015.

The Court explained to the accused the consequences of his plea of guilt and after having given the accused sufficient time to reconsider his guilty plea and saw that the same accused insisted on registering in the acts of these proceedings his plea of guilt, had no alternative but to register such plea.

In the light of the above plea of guilt which guilty plea was made voluntarily, expressly and unconditionally, the Court is satisfied that the accused is to be found guilty of the charges brought forward against him.

The Court heard the sister of the accused in particular Aprieszka Novak declare in the sitting of the 30th July 2015 that the accused, her brother has compensated the victim with the sum of three hundred and fifty euro (€350) which sum she handed over to the prosecuting officer seduta stante.

The Court heard the Prosecution declare that this was the sum which represents the damages that the victim suffered with regards to this incident.

The Court took note of the fact that the accused is a first time offender and his guilty plea registered in the first opportunity given to him.

Thus the Court, having seen the relevant sections at law, in particular Sections 261(c)(d)(f), 328 and 3378(ff) of Chapter 9, Sections 15(1)(a), 15B(1) of Chapter 65, Section 3 of Chapter 104 of the Laws of Malta, decides to find the accused MICHAL NOWAK LUKASZ guilty of the charges brought forward against him by the prosecution and condemns him to one year imprisonment suspended for three years in terms of Section 28A of Chapter 9 of the Laws of Malta with regards to the first (1) and second (2) charge and condemns him to a fine of two thousand three hundred euro (€2,300) with regards to the third (3), fourth (4) and fifth (5) charges.

The Court orders that the accused is disqualified from holding a driving license for a period of one year from today in terms of Section 3 of Chapter 104 of the Laws of Malta.

The Court orders that the fine (multa) above given could be paid in consecutive monthly instalments of eighty euro (€80), the first payment is to be effected by not later than 30th August 2015 in terms of Section 14(2) of Chapter 9 of the Laws of Malta.

The Court orders that this judgement is notified to the Director of the Criminal Court for him to be able to collect the fine imposed by this Court.

< Final Judgement >

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