

In the Court of Magistrates (Malta)
as a Court of Court of Criminal Judicature

Magistrate Dr Aaron M. Bugeja M.A. Law, LL.D. (melit)

Il-Pulizija

vs

Gordon Philip Hewitt

The Court after seeing the charges issued against **Gordon Philip Hewitt** holder of identity card number 22854A whereby he was charged with having on these on these Islands, on the 16th May 2014 and on the preceding months in the residence bearing number 139, Migrah Court, Triq it-Tabib Nikola Zammit, Siggiewi :

- (1) At night time he disturbed the repose of inhabitants by rowdiness or bawling or in any other manner;
- (2) Uttered insults or threats to Isabelle Colin;
- (3) Threatened in a manner not otherwise provided for in the Criminal Code, or being provoked, carried his insult beyond the limit warranted by the provocation;

The Court was requested to implement the provisions of Article 383 of the Criminal Code.

Having analysed the documents that were exhibited and all the records of the proceedings;

Having heard all the witnesses produced and seen the records of the proceedings;

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

Considers the following :-

That the charges proffered against the accused stem from a serious of actions that were complained about by the parte civile Isabelle Colin. From the evidence tendered during this case, the Court considers that the Prosecution managed to prove the first and second charge.

Decides :-

Consequently, this Court finds the accused not guilty of the third charge and acquits him therefrom; however this Court finds the accused guilty of the first and second charges and after having seen Articles 338(m) and 339(1)(e) of the Criminal Code, in the circumstances of the case, after that it

took into consideration the circumstances of the case, the nature thereof and also the conduct of the accused, it is of the view that it ought not to impose a punishment and therefore after having seen Article 22 of Chapter 446 of the Laws of Malta it is making an order discharging the offender subject to the condition that he does not commit any other crime within a period of twelve months from today; furthermore, in order to provide for the safety of Isabelle Germaine Marie Colin in addition to the conditional discharge abovementioned, this Court required the offender to enter into his own recognizance in the sum of one thousand euro (€1000) for a period of twelve (12) months from today.

**Delivered today the 17th October 2014 at the Courts of Justice in Valletta,
Malta.**

Magistrate

Aaron M. Bugeja.