

**IN THE COURT OF MAGISTRATES (MALTA)
AS A COURT OF CRIMINAL JUDICATURE
MAGISTRATE
DR. ANTHONY J. VELLA BA., LL.D., MA**

TODAY 11th January 2018

**Police
Inspector Lara Butters
Vs
Kais Sboui**

The Court;

After seeing the charges brought against Kais Sboui, 34 years old, son of Hammouda and Shaleia, born at Sousse on the 2nd July, 1982, residing at No. 52, Bayside, Fl 4, Triq Santa' Agata, Sliema and holder of Identity Card No. 59674(A);

With having on the 19th November, 2017 at about 00:30hrs in residence No. 52, Bayside, Fl 4, Santa' Agata Street, Sliema.

- 1) Without the intent to kill or to put the life in manifest jeopardy, caused grievous bodily harm on the person of Dorsaf Sboui as certified by Dr. D. Lauretta Agius MD, Med. Registration Number 3939 c/o Mater Dei Hospital in terms of Article 218(b) of the Laws of Malta when the harm is committed on the person of the wife in terms of Article 222(1) of the Laws of Malta;

- 2) Charged further with having on the same date, time, place and circumstances caused grievous injuries to the body of Dorsaf Sboui in terms of Article 216(1) of the Laws of Malta, which charge is aggravated by the fact that the harm committed was caused on the person of his wife in terms of article 222(1) of the Laws of Malta;
- 3) Charged further with having causes on the person of his wife Dorsaf Sboui to fear that violence will be used against her or her property or against the person or property of any of her ascendants, descendants, brothers or sisters or any person mentioned in article 222(1) shall be guilty of an offence if he knows or ought to know that his course of conduct will cause the other so to fear on each of those occasions in terms of Article 251B(1) of the Laws of Malta;
- 4) Charged further with having on the same date, time place and circumstances utters insults or threats not otherwise provided for in this Code, or being provoked, carries his insult beyond the limit warranted by the provocation in terms of Article 339(1)(e) of the Laws of Malta;
- 5) The Court is hereby kindly requested to provide for the safety of Dorsaf Sboui according to Article 383, Chapter 9 of the Criminal Law, in case of the finding of guilt;
- 6) The Court is hereby kindly requested to provide for the safety of Dorsaf Sboui for the purpose of or of other individuals or for the keeping of the public peace or for the purpose of protecting the injured person according to Article 412(C), Chapter 9 of the Criminal Law, prohibit or restrict access by the accused, for a period not exceeding six months or until final judgement, to premises in which the injured person, or any other individual specified in the order, lives, works or frequents even if the accused has a legal interest in those premises;
- 7) The Court is also hereby kindly requested that, in pronouncing judgement or in any subsequent order, sentence the person/s convicted, jointly or severally, to the payment, wholly or in part, to the Registrar, of the costs incurred in connection with the employment in the proceedings of any expert or referee, within such period and in such amount as shall be determined in the judgement or order, as per Section 533 of chapter 9 of the Laws of Malta.

Having heard the accused plead guilty to the charges brought against him, notwithstanding the fact that the Court warned him in the most solemn manner of legal consequences of his guilty plea after giving him sufficient time within which to reconsider and withdraw her guilty plea;

Having seen that, in terms of Article 392A of Chapter 9 of the Laws of Malta, the Court is thus converted from one of Criminal Inquiry to one of Criminal Judicature, and that it could pass judgment on the accused;

Having heard the prosecution and defence counsel make their submissions;

Having seen all the acts and documents exhibited;

Having heard the injured party request that the Court does not proceed with the hearing of the case, in terms of Article 543 of Chapter 9 of the Laws of Malta, which request was denied by the Court in view of the accused's admission.

Having heard that the accused and the injured party had, in the time these proceedings were pending, reconciled between them and had dropped the separation proceedings in the Civil Courts;

Considers;

After having seen Articles 218(b), 222(1), 251B(1) u 339(1)(e) of Chapter 9 of the Laws of Malta;

After having heard the evidence and the documents exhibited;

The Court finds the said accused guilty and is condemning him to two years imprisonment suspended for four years, under supervision of a Probation Officer in terms of Article 28G of Chapter 9 of the Laws of Malta.

Furthermore the Court orders that a treatment order be issued on the accused for a period of three (3) years in terms of Article 412(D) of Chapter 9 of the Laws of Malta.

The Court explained in clear words the terms of the judgment to the accused.

DR ANTHONY G VELLA BA. LL.D. M.A.

MAGISTRAT