



**Court of Magistrates (Malta)
As A Court of Criminal Judicature**

Magistrate Dr. Donatella M. Frendo Dimech LL.D., Mag. Jur. (Int. Law)

Today, the 15th day of January, 2019

**The Police
(Inspector Spiridione Zammit)**

-vs-

Manuela Yankova holder of Identity Card number 175620A

Criminal Proceedings No.01/2019

The Court,

Having seen the charges brought against the accused **Manuela Yankova**, who is being charged with having:

On the 22nd December, 2018, at about 01.00am and/or time after, whilst in residence styled as Air-De-Mer, Flat 2 situated at Efesu Street, St. Paul's Bay, and/or in these islands without intent to kill or to put the life of another person in manifest jeopardy caused harm to the body or health of Stoyan Vladimrov Kostov a grievous bodily harm as medically certified by Dr. Sahra A. Haji Reg. 5916 from Mater Dei Hospital.

Under the same circumstances attempted to use force against Stoyan Vladimrov Kostov with intent to insult, annoy or hurt such persons, or others,

unless the fact constitutes some other offence under any other provision of this Code.

Under same circumstances uttered insults or threats to Stoyan Vladimrov Kostov not otherwise provided for in Chapter 9 of the Criminal Code of Malta.

In case of guilt the Court was requested to provide for the personal security of Stoyan Vladimrov Kostov and apply the Articles of 383, 384 and 385 of Chapter 9 of the Criminal Code of Malta.

Having Considered:

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

Having heard witnesses;

Having seen all the acts and documents exhibited;

Having heard the prosecution and defence counsel make their submissions;

Having heard the injured party testify that the injuries suffered were a result of an argument which broke out between him and the accused, an argument in which he fully participated, and that whilst immediately forgiving requested that the court show leniency towards the accused;

Considers:

Having heard the guilty plea of the accused to the charges brought against her, the Court has no alternative but to declare the accused guilty of the said charges.

With regards to punishment the Court took into consideration the accused's admission of guilt, the nature of the offences of which she stands charged and the circumstances of the case, in particular, the testimony of the injured party.

The court notes that the principle of formal concurrence of offences finds application with respect to the first two offences with which the accused stands charged.

In view of the above, the Court, after having seen articles 17, 31, 216(1)(a)(b)(d) and 339(d)(e) of the Criminal Code, upon her admission, finds the accused guilty of the charges brought against her and by application of article 22 of the Probation Act, Chapter 446 of the Laws of Malta, discharges the offender subject to the condition that she commits no offence during the forthcoming 3 years.

The Court explained to the defendant in ordinary language the significance of this judgement and of the consequences should she fail to observe the conditions imposed, namely that should the offender commit another offence during the period of conditional discharge, she will be liable to be sentenced for the original offence.

In terms of article 382A of Chapter IX of the Laws of Malta, the Court is issuing a restraining order against the accused in favour of Stoyan Vladimrov Kostov for a period of three (3) years.

Finally the Court orders that the records of these proceedings be transmitted to the Attorney General within six working days.

Dr. Donatella M. Frendo Dimech LL.D., Mag. Jur. (Int. Law)
Magistrate