



**IN THE COURT OF MAGISTRATES (MALTA)  
AS A COURT OF CRIMINAL JUDICATURE**

**MAGISTRATE NATASHA GALEA SCIBERRAS B.A., LL.D.**

**Today: 2<sup>nd</sup> January 2019**

**The Police  
(Inspector Matthew Spagnol)**

**vs**

**Sakariye Abdirahman Hassan  
Maltese resident permit number: 113377(A)**

The Court,

Having seen the charges brought against the accused Sakariye Abdirahman Hassan aged 23 years, son of Abdirahman and Deeqa nee` Mohamed, born in Somalia on 1<sup>st</sup> January 1995, without fixed address and holder of Maltese residence permit number 113377(A);

1. Charged with having on 1<sup>st</sup> January 2019, at around 08:30hrs, in San Gorg Street, in St. Julian's, without intent to kill or to put the life of Ammar K.Sid Ali in manifest jeopardy, caused harm to his body or health, which injuries were certified to be of slight nature (Article 221(1) of Chapter 9 of the Laws of Malta);
2. Further charged with having on the same date, time, place and circumstances, committed an offence punishable with imprisonment during the operational period of a suspended sentence handed to him on 29<sup>th</sup> May 2018 by Magistrate Dr. F. Depasquale LL.D, which sentence is definitive and cannot be changed (Article 28B of Chapter 9 of the Laws of Malta).

The Court was requested to treat Sakariye Abdirahman Hassan as a recidivist in terms of Sections 49 and 50 of Chapter 9 of the Laws of Malta.

Having seen the records of the case;

Having heard the accused plead guilty to the charges brought against him, which plea he confirmed after the Court in terms of Sections 453(1) of Chapter 9 of the Laws of Malta, explained to him the legal consequences thereof, and allowed him sufficient time to reconsider his plea and to retract it;

Having heard the parties' submissions about the punishment to be inflicted.

**Considered that:**

In view of the guilty plea filed by accused, the Court cannot but find him guilty of the charges brought against him.

For the purpose of the punishment to be inflicted, the Court took into consideration the early guilty plea filed by accused on the one hand, but on the other hand the criminal record of accused and that accused has been recently condemned to a suspended sentence for similar offences. As a result, the Court cannot but impose an effective prison Term and bring into effect the Term of imprisonment handed down by this Court differently presided on the 29<sup>th</sup> May 2018.

**Conclusion**

For these reasons, the Court after having seen Sections 28B(1), 49, 50 and 221(1) of Chapter 9 of the Laws of Malta, finds accused guilty of the charges brought against him and condemns him to a term of six (6) months effective imprisonment. Furthermore as regards the second charge and by application of Section 28B(1) of Chapter 9 of the Laws of Malta, it orders that the term of two (2) years imprisonment originally suspended for four (4) years to which accused was condemned by a judgement delivered by this Court as presided by Magistrate F. Depasquale on 29<sup>th</sup> May 2018 in the names 'Police (Inspector Nikolai Sant) vs Sakariye Abdirahman Hassan et' is brought into effect.

Natasha Galea Sciberras  
Magistrate