



**COURT OF MAGISTRATES (MALTA)
AS A COURT OF CRIMINAL JUDICATURE
MAGISTRATE DR. GABRIELLA VELLA B.A., LL.D.**

**The Police
(Inspector Warren Galea)**

Vs

Florjan Sina

Today, 20th July 2023

The Court,

After having considered the charges brought against Florjan Sina, forty (40) years of age, son of Gani and Avije neè Dragoshi, born in Kamez, Albania, on the 12th July 1983, without fixed address and holder of Albanian Passport Number BJ9408177, of having on the 17th July 2023, between 23:25hrs and 23:50hrs, in Triq Barnaba, St. Paul's Bay and/or around the Maltese Islands:

1. Carried outside any premises or appurtenance thereof, a knife or cutting or pointed instrument with a blade taller than 8cm without a licence or permit from the Commissioner;
2. Without inflicting any wound or blow, threatened others with stones or other hard substances or threw or took up any other weapon against Sadek Ahmed Elsayd Hamouda;
3. In a public place or a place open for the public was drunk and incapable of taking care of himself;
4. Uttered obscene and/or indecent words in public;
5. Wilfully disturbed the public good order or the public peace with shouting and/or fighting;
6. Led an idle and vagrant life;

After having considered the requests put forth by the Prosecution for: A. the Court, during the proceedings of this case, provide for the security of Sadek Ahmed Elsayd Hamouda in terms of Section 412C of Chapter 9 of the Laws of Malta; for: B. the Court, in case of guilt, to apply Section 382A, 383, 384 or 385 of Chapter 9 of the

Laws of Malta, in favour of Sadek Ahmed Elsayd Hamouda; and for: C. the Court, in case of guilt, to order the confiscation of the instruments used or intended to be used in the commission of a crime and of anything obtained by such crime, in terms of Section 23 of Chapter 9 of the Laws of Malta;

After having considered the documents submitted by the Prosecution marked as Doc. "A" to Doc. "C";

After having considered that the accused, upon being asked by the Court what he replies to the charges brought against him, declare that he is guilty of the charges so brought against him, which guilty plea was reiterated by the accused after the Court gave him sufficient time to reconsider his position and guilty plea and once again asked him what is he replying to the charges brought against him;

After having heard submissions regarding punishment;

After having considered the records of the proceedings;

Considers:

The accused is being charged with having on the 17th July 2023, between 23:25hrs and 23:50hrs, in Triq Barnaba, St. Paul's Bay and/or around the Maltese Islands: (1) Carried outside any premises or appurtenance thereof, a knife or cutting or pointed instrument with a blade taller than 8cm without a licence or permit from the Commissioner; (2) Without inflicting any wound or blow, threatened other with stones or other hard substances or threw or took up any other weapon against Sadek Ahmed Elsayd Hamouda; (3) In a public place or a place open for the public was drunk and incapable of taking care of himself; (4) Uttered obscene and/or indecent words in public; (5) Wilfully disturbed the public good order or the public peace with shouting and/or fighting; (6) Led an idle and vagrant life.

The accused pleaded guilty to the charges brought against him. In view of the guilty plea by the accused, the Court deems that it has to find the accused so guilty of all the charges brought against him.

In so far as concerns punishment, the Court took into account the nature of the charges brought against the accused, the fact that the accused has a clean conviction sheet and that he submitted a guilty plea at an early stage of the proceedings.

Therefore after considering Sections 6 and 51(7) of Chapter 480 of the Laws of Malta and Sections 17(c)(f), 338(w), 338(bb), 338(dd), 338(ff) and 339(1)(b) of Chapter 9 of the Laws of Malta, the Court finds the accused:

1. Guilty of the first charge brought against him and condemns him to the payment of a fine (*multa*) of €116.47; and
2. Guilty of the second, third, fourth, fifth and sixth charges brought against him and condemns him to the payment of a fine (*ammenda*) of €17.48.

Both said fine (*multa*) of €116.47 and fine (*ammenda*) of €17.48 hereby imposed on the accused are to be paid by him within one (1) week from date of this judgement.

Should the accused fail to pay the said fine (*multa*) of €116.47 and the fine (*ammenda*) of €17.48 within the period of one (1) week from date of this judgement, then he shall be subject to the provisions of Sections 11(3), 13(2) and 14(1) of Chapter 9 of the Laws of Malta.

Since the knife forming the merits of the first charge brought against the accused has not been exhibited in the records of these proceedings, the Court abstains from considering the request put forth by the Prosecution in terms of Section 23 of Chapter 9 of the Laws of Malta.

In terms of Section 383 of Chapter 9 of the Laws of Malta, for the purpose of providing for the safety of Sadek Ahmed Elsayd Hamouda, the accused is being bound by a recognisance amounting to one hundred Euro (€100) for a period of twelve (12) months in terms of the Bond for safety and individuals and for maintenance of good order attached to this judgement and thus forming an integral part thereof.

The Court explained to the accused that in terms of Section 387 of Chapter 9 of the Laws of Malta, should he fail to observe the conditions of his recognisance, the sum of one hundred Euro (€100) shall be forfeited to the Government of Malta.

The accused is requesting that he be given a copy of this judgement duly translated into Albanian. To this end the Court is appointing Mozar Gjetaj for the purposes of translating this judgement into the Albanian language.

MAGISTRATE

DEPUTY REGISTRAR