



MALTA

QORTI TA' L-APPELL KRIMINALI

**ONOR. IMHALLEF
JOSEPH GALEA DEBONO**

Seduta tat-3 ta' April, 2003

Appell Kriminali Numru. 27/2003

**The Police
(Inspector M. Tonna)
Vs
Margaret Galea**

The Court,

Having seen the charges proffered against the accused in the Court of Magistrates (Malta) as a Court of Criminal Judicature whereby she was charged with having on the 1st August, 2002 at about 19.00 and on the 30th September, 2002 at Spinola Road, St. Julian's:

- 1) Willfully disturbed the public good order or the public peace;
- 2) Uttered insults and threats towards Valhvor Galea by means of words;
- 3) With the object of destroying or damaging the reputation of the said Valhvor Galea, offended such

person by words, gestures, or by any writing or drawing or in any other manner;

4) Moreover caused injuries of slight nature on the person of Valhmo Galea as certified by Doctor M. Grixti MD.

With the request to provide for the safety of Valhmo Galea or for the keeping of the public peace in addition to, or in lieu of the punishment applicable to the offence, requiring the offender to enter into his own recognizance in a sum of money to be fixed by the Court.

Having seen the judgement of the Court of Magistrates (Malta) as a Court of Criminal Judicature of the 4th February, 2003, whereby that Court declared that the proceedings against the accused Margaret Galea were time-barred in terms of section 688(f) of Chapter 9 of the Laws of Malta and consequently refrained from taking further cognisance of those proceedings.

Having seen the application of appeal filed by the Attorney General on the 19th February, 2003, whereby he requested this Court to cancel and revoke the judgement appealed from and, instead, to find guilty as to all the charges proffered against respondent accused and therefore, to inflict punishment as prescribed by law.

Having seen the minute registered by the Prosecutor in the course of today's sitting, whereby he explained that his appeal was being limited to the accusations falling under the third and fourth charges proffered against the accused as these offences were crimes and not contraventions and therefore time-barred by a period of two (2) years and not one of three (3) months.

Having seen the minute registered by defence wherein it agreed that this was the case.

Having seen the joint minute entered into by the Prosecution and the Defence whereby they agreed that judgement should be delivered in this sense and that the records of the case should be sent back to the Magistrate's Court.

Reforms the judgement appealed from by confirming it in so far as it declared the first and second charges time-barred according to section 688(f) of the Criminal Code and revokes it in so far as it held that the third and fourth charges were similarly time-barred and decides instead that these last two charges were not time-barred by the the three (3) month prescription applicable to contraventions but by the two (2) year term of prescription according to law under section 688(e) of the Criminal Code.

Hence the Court orders that the case be sent back to the Magistrate's Court for hearing on the merits of the third and fourth charges and this not to deprive the accused of her right to seek a review of any eventual judgement delivered by the Court of First Instance.

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