



MALTA

**QORTI TAL-MAGISTRATI (MALTA)
BHALA QORTI TA' GUDIKATURA KRIMINALI**

**MAGISTRAT
ANTONIO GIOVANNI VELLA**

Seduta ta' l-14 ta' April, 2005

Numru 256/2005

**THE POLICE
INSPECTOR STEPHEN J GATT**

VS

**DRAGAN ALEKSIC
ALEKSANDER RALIC
SINISA FILIPOVIC**

The Court;

After having seen the charges brought against Dragan Aleksic, 28 years, son of Zoran, born Serbia on the 18 of June, 1976, bearing passport of the Federal Republic of Yugoslavia no 1968626 and residing at Seabreeze, Flat 4, St Agatha Street, Sliema;

Sinisa Filipovic, 25 years, son of Cedimir, born Ruma Serbia on the 11 of October, 1979, bearing passport of

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the Federal Republic of Yugoslavia no 004544632
residing at Seabreeze, Flat 4, St Agatha Street, Sliema;

Aleksander Ralic, 22 years, son of late Radoslav born
Slovenia on the 5 April, 1982, bearing passport no
P00826044 residing at 140, Rudolph Street, Sliema;

The three of them charged with having, on the night of the
20 March, 2005, at about 11.00pm at Ta' Xbiex, willfully
committed spoil, damage, the amount of which exceeds
five hundred Maltese Liri (Lm500.00) or injury to or upon
any movable or immovable property belonging to
Emanuel Ellul from Cospicua (Sect 325 of Chapter 9 of
the Laws of Malta);

And also during the same day, time, place and
circumstances threw stones or other hard substances at
the terraces, roofs, windows, doors, courtyards, lamps of
walls of houses or other person or of any other building in
breach of Section 339C of Chapter 9 of the Laws of
Malta);

Sinisa Filipovic and Aleksander Ralic charged with having
on the same day, time, place and circumstances without
intent to kill or to put the life of Emmanuel Ellul in manifest
jeopardy, caused grievous injuries on Emanuel Ellul, as
certified by Dr Nabil Darkham MD of St Luke's Hospital in
breach of Section 214, 215 and 216 of Chapter 9 of the
Laws of Malta);

Sinisa Filipovic charged with having on the same day and
time at Inside and Ta' Xbiex:

Assaulted or resisted by violence or active force not
amounting to public violence, PC 1013 Muscat and PC
846 Grech, persons lawfully charged with a public duty
when in execution of the Law or of a Lawful Order by a
competent authority;

And also with having during the same time, day, place
and circumstances escaped from the custody of the

persons in charge of his custody in breach of Section 152 of Chapter 9 of the Laws of Malta;

And also charged with having during the same day, time, place and circumstances disobeyed the lawful orders of PC 1012 Muscat and PC 846 Grech, people entrusted with a public service, or hindered or obstructed such persons in the exercise of their duties, or otherwise unduly interfered with the exercise of such duties, either by preventing other persons from doing what they are lawfully enjoined or allowed to do, or frustrating or undoing what has been lawfully done by other persons or in any manner whatsoever in breach of Section 338ee of Chapter 9 of the Laws of Malta;

And also with having on the 21 March, 2005, at Imsida, with intent to harm PC 1012 Muscat and PC 846 Grech, accused such persons before a competent authority with an offence of which he knew such persons to be innocent in breach Section 101 of Chapter 9 of the Laws of Malta

Having seen the documents exhibited;

Having seen the records of the case, whereby the Prosecution amended the charge sheet by substituting Article 216 for Article 218 of Chapter 9 of the Laws of Malta, thus rendering the proceedings within the jurisdiction of the Court of Magistrates under Article 370(4) of Chapter 9 of the Laws of Malta;

Having seen the accused entering a guilty plea after this amendment, which plea was confirmed after due time was given to the accused according to Law;

Having converted its jurisdiction from that of a Court of Criminal Inquiry to that of Criminal Judicature, in terms of Article 392 of Chapter 9 of the Laws of Malta;

Having seen that the injured party had been paid to his satisfaction for all the injuries and damages suffered.

Considered:

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The Court, after having seen Articles 325, 339C, 214, 215 and 216, 152, 338ee and 101 of Chapter 9 of the Laws of Malta, upon an admission of the charges, finds the accused guilty as charged, and condemns them respectively as follows:

Dragan Aleksic, discharged on condition he does not commit another offence within two (2) years from today, in accordance with the provision of Article 22 of Chapter 446 of the Laws of Malta;

Aleksander Ralic and Sinisa Filipovic, to a period of imprisonment for one (1) year suspended for two (2) years, under the provision of Article 28A of Chapter 9 of the Laws of Malta.

< Sentenza Finali >

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