

COURT OF CRIMINAL APPEAL

JUDGE

The Hon. Mr Justice Patrick Vella, B.A., LL.D., M.Juris (Eur Law)

Appeal No. 44/2001

**The Police
(Inspector Alexandra Farrugia Mamo)**

v.

Angelo Frank Paul Spiteri

To-day 28th day of August, 2001

The Court,

Having seen the application filed by Mark Camilleri in the name of and in representation of "Formosa and Camilleri Financial Services Ltd." on the 17th August, 2001, whereby said applicant asked this Court to enforce the direction given in the judgement of the Court of Magistrates (Malta) as a Court of Criminal Judicature on the 20th February, 2001, in terms of Section 28(H) of the Criminal Code.

Having seen that respondent was duly notified to appear before this Court for the hearing of the said application, and that in effect he was physically present for this purpose during today's sitting. Having heard all submissions made by both sides, that is the respondent through his counsel Dr Peter Borg Costanzi, and the applicant through his counsel Dr Vincent Falzon.

Having seen the above mentioned judgement of the Court of Magistrates (Malta) of the 20th February, 2001, whereby the said respondent, then accused, was found guilty as charged and condemned to a term of eighteen (18) months imprisonment, which term was suspended in terms of Section 28(H) of the Criminal Code, and where the respondent was given six (6) months to pay to the applicant the sum of four thousand, five hundred Maltese Liri (Lm4,500), and this in terms of Section 28(H)(1)(2) of the Criminal Code.

Having verified that the respondent did not honour this condition imposed on him by the Court of Magistrates (Malta), in the sense that he has failed to pay the said amount of Lm4,500 within the maximum period of six months allowed by law, and in terms of the said judgement.

Having seen that the respondent has not given any legally valid argument or reason why he has failed to honour such an obligation.

Having heard respondent request this Court to grant him a further peremptory period of one (1) month to enable him to comply with the direction imposed on him by the Court of Magistrates (Malta).

Having heard the applicant oppose and object to any further period, even though it may be peremptory, being granted to the respondent.

Having seen that the reasons submitted by the respondent to sustain his said request have in no way satisfied this Court that he has shown “a reasonable cause” as stipulated in Section 28(H)(5) of Chapter 9.

Decides, therefore, to reject and refuse respondent’s request for a further period of time for him to comply with the said directives.

Consequently, after having seen Section 28(H)(1)(2)(4)(5) of Chapter 9 of the Laws of Malta, does hereby accede to and accept the request being made by the applicant and in so doing does hereby order that the suspended sentence given by the Court of Magistrates (Malta) as a Court of Criminal Judicature on the respondent Angelo Frank Paul Spiteri, of the 20th February, 2001, shall take effect immediately.

(sgd) Aldo Testone
Deputy Registrar