



MALTA

CRIMINAL COURT

THE HON. CHIEF JUSTICE
VINCENT DE GAETANO

Sitting of the 10 th June, 2005

Number 5742/2005

The Police
(Inspector Daniel Zammit)

v.

Emanuel Onyedi Okonkwo

The Court:

Having seen the application by the Attorney General made pursuant to Section 574A(9) of the Criminal Code requesting the rearrest of Emanuel Onyedi Okonkwo;

Having seen the decree of the Court of Magistrates of the 4 June 2005 which stated *inter alia* **“that accused should not have been arraigned under arrest”** and consequently ordered his release;

Having heard submissions by counsel for the Attorney General and for respondent Emanuel Onyedi Okonkwo at

Informal Copy of Judgement

yesterday's sitting, as well as the evidence given by Inspector Daniel Zammit;

Considers that, like the Court of Magistrates, it is not satisfied – and the applicant Attorney General has certainly not managed to show to the satisfaction of this Court – that the continued detention of Okonkwo was founded on any provision of law for the purposes of subsection (6) of Section 574A of the Criminal Code, and that therefore there is no reason to vary the decision of the said Court of Magistrates in releasing respondent in terms of the said subsection (6);

For this reason dismisses the application, and orders that a copy thereof be served forthwith upon the Attorney General, upon respondent Emanuel Onyedi Okonkwo and upon Inspector Daniel Zammit.

< Final Judgement >

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