



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

**MAGISTRAT DR.
ABIGAIL LOFARO**

Seduta ta' l-20 ta' Jannar, 2006

Numru. 598/2001

The Police
(Inspector Pierre Micallef Grimaud)
VS

Warren Joseph Hampson

The Court;

Having seen the charges brought against the above mentioned defendant, by virtue of which he was charged for having on 24th February 2001 at about 1.00a.m. at Wilga Street, St. Julians, reviled, or threatened, or caused a bodily harm to persons lawfully charged with a public duty, while in the act of discharging their duty or because of having discharged such duty, or with intent to intimidate or unduly influence them in the discharge of such duty in breach of Section 95 of Chapter 9 of the Laws of Malta;

Kopja Informali ta' Sentenza

Moreover, for having on the same day, time, place and circumstances, assaulted or resisted by violence or active force, not amounting to public violence, persons lawfully charged with a public duty when in execution of the law or of a lawful order issued by a competent authority in breach of Section 96 of Chapter 9 of the Laws of Malta;

Moreover, for having on the same day, time, place and circumstances, without intent to kill or to put the life of any person in manifest jeopardy, caused harm to the body or health of Stephanie Farrugia by means of a hard substance (glass bottle) as certified verbally by Dr. Saviour Cilia M.D. of the Qormi Health Centre in breach of Sections 214 and 216 (1) (b) of Chapter 9 of the Laws of Malta;

Having seen the Attorney General's note of the 11th February, 2004 by virtue of which he found that from the preliminary investigation mentioned there might result an offence or offences under the provisions of Sections 95, 96, 214, 216 of the Criminal Code. Having heard the accused answer that he has no objection that the case be treated by summary proceedings and decided by this Court;

Having heard all the evidence, seen all the documents which have been produced and seen all the acts of these proceedings;

Having heard submissions by the Prosecution and the Defence;

Having considered :

As it resulted, from the evidence produced, that on the 24 of February 2001, whilst Inspector Pierre Micallef Grimaud was duty officer at St Julians police station, he was informed that an accident had occurred in Paceville, in which a female had been injured after receiving a blow on the head due to a glass bottle which was thrown on a crowd of persons. The victim was Stefania Farrugia, who had been taken to hospital suffering from injuries to her

head. The police had in their custody defendant who had denied that he had thrown the bottle. Stefania Farrugia stated that she would recognise the person who had thrown this bottle towards the direction of the crowd. The victim Stefania Farrugia, testified in Court and she said that on the day in question she was in Paceville in front of Coconut Grove and she saw a bottle hitting her out of nowhere. She did not see the person who actually hit her with this bottle, but she knew that the bottle was thrown from a balcony.

PC 1022 Joseph Cutajar testified in Court that Stefania Farrugia's friend boyfriend was held by the police since he was arguing in the street with another person. Suddenly a bottle was thrown from a balcony in the premises of Coconut Grove and this bottle hit Stefania Farrugia on her right eyebrow. PC 1141 who was with him waiting outside the premises and some persons inside Coconut Grove told the police that the person wearing a Nike jacket had thrown this bottle. The witness could not state whether there were other persons in the premises also wearing a Nike jacket. The Court, after having considered all the evidence which was produced by the Prosecution finds that no person, no police officer, and not even the victim identified the defendant as the person who actually threw the bottle which hit Stefania on the face and therefore in the light of all this the Court declares that the Prosecution has not managed to prove its case against the accused. The accused is therefore being found not guilty and is being freed from all charges.

< Sentenza Finali >

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