



COURT OF CRIMINAL APPEAL

**HON. MR. JUSTICE
DAVID SCICLUNA**

Sitting of the 14 th February, 2006

Criminal Appeal Number. 298/2005

The Police

v.

Emanuel Okonkwo

The Court,

Having seen the charge brought against the accused;

Having seen the judgement delivered by the Court of Magistrates (Malta) as a Court of Criminal Judicature on the 20th October, 2005;

Having seen appellant's application of appeal and in particular his second grievance regarding the language that was used before the First Court;

Informal Copy of Judgement

Having seen the other records of the case;

Having heard submissions by counsel to the parties to the case;

Considers:

That it is obvious from the records of the case that all proceedings were conducted before the First Court in the Maltese Language and that an interpreter was appointed in order to translate to appellant from the Maltese language into the English language;

That Section 3 (a) of Chapter 189 (Judicial Proceedings (Use of English Language) Act), which states that in a Court of Criminal Jurisdiction "where all the persons charged are English-speaking the Court shall order that the proceedings be conducted in the English language";

That consequently the proceedings before the First Court were irregular;

For these reasons:

Decides by annulling the judgement delivered by the First Court and orders that the evidence be heard today before this Court naturally in the English language.

< Partial Sentence >

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