



CRIMINAL COURT

**THE HON. CHIEF JUSTICE
VINCENT DE GAETANO**

Sitting of the 1 st February, 2007

Number 5753/2007

**The Police
(Inspector Martin Sammut)
v.**

Branko Markovic et

The Court:

Having seen the application filed yesterday by the Attorney General whereby he requested, in terms of subsection (9) of Section 574A of the Criminal Code, the re-arrest and continued detention of Branko Markovic;

Having heard Dr Aaron Bugeja for the applicant and Dr Mark Busuttill for respondent Branko Markovic;

Having heard Inspector Martin Sammut on oath;

Having noted that respondent Markovic was, at the time of his arraignment in Court on the 25th January, 2007, in Malta without the necessary visa; having noted also that

on the same day (i.e. on the 25th January 2007) the said Markovic was also arraigned in separate proceedings, on a charge of aggravated theft and was not granted bail in those proceedings (relative to the charge of theft); having noted also that both arraignments (that is the one under consideration on the charge of illegal possession of heroin, and that in connection with the charge of theft) were before the same Magistrate, but at different times, with the arraignment on the drugs charge preceeding the arraignment on the charge of theft – a fact which may explain the different treatment meted out by the same Court (and the same Magistrate);

Having noted also respondent's lack of ties with the community in Malta;

Considers that in view of the above and of all the other circumstances of the case the first Court's decision in granting bail to respondent Markovic was manifestly flawed;

Allows the request by the Attorney General, revokes the decree of the 25th January, 2007 relative to respondent whereby the said respondent was granted bail, and orders the re-arrest and continued detention of Branko Markovic according to law.

< Final Judgement >

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