



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

**MAGISTRAT DR.
JACQUELINE PADOVANI**

Seduta ta' l-24 ta' Ottubru, 2006

Numru. 843/2006

PULIZIJA
SPETTUR PIERRE MICALLEF GRIMAUD
SPETTUR LOUISE CALLEJA
VS
OMISSIS

Il-Qorti,

Rat l-imputazzjonijiet migjuba kontra l-imputat *omissis*, ta' *omissis* sena, bin *omissis*, imwieled *omissis*, u residenti *omissis*, u detentur tal-karta tal-identita' bin-numru *omissis*, u akkuzat talli fis-7 t'Awissu 2006, bejn is-sitta u nofs u s-sebgha u nofs ta' filghaxija, fil-fond *omissis*, b'ghemil zieni kkorrompa lil *omissis*, minuri ta' *omissis* sena.

Kif ukoll akkuzat talli huwa kkommetta delitt li ghalih hemm piena ta' prigunerija fil-perjodu operattiv ta' sentenza sospiza, datata 22 ta' Marzu 2005 moghtija mill-Qorti tal-Magistrati (Malta).

Kopja Informali ta' Sentenza

Semghet ix-xhieda bil-gurament.

Rat id-dokumenti esebiti, l-atti kollha tal-kaz.

Rat l-Artikli elenkati mill-Avukat Generali, taht liema Artikli din il-Qori tista' ssib htija fl-imputat.

Rat il-verbal tat-12 t'Ottubru 2006, fejn l-imputat ma kellux oggezzjoni li jigi gudikat minn din il-Qorti.

Semghet l-ammissjoni tal-imputat.

Semghet il-konferma ta' tali ammissjoni, wara li l-Qorti tat zmien ragjonevoli sabiex l-imputat jirripensa ruhu.

Semghet it-trattazzjoni tal-partijiet.

Ikkunsidrat:-

L-imputat ammetta ghall-kongungiment karnali komplet mal-minuri *omissis*. Illi fl-iskorta tal-gurisprudenza nostrali, dan huwa l-apice ta' dak illi jissejjah atto di libidine.

Infatti, fis-sentenza *The Police vs Thomas Wiffen*, deciza mill-Qorti tal-Appell Kriminali fit-8 ta' Jannar 1996 jinghad is-segwenti:

'For the completed offence and apart from the formal element of the offence, there must be the lewd act (atto di libidine) and the actual defilement. The lewd act may be committed either on the person or in the presence of the minor. All acts which, either by their very nature or of the circumstances in which they are performed, either are directed to the indulgence of the sexual appetite, either of the agent or of the victim, and are capable of arousing sexual interest of the victim, are lewd acts for the purposes of the offence in question.'

Id-durata ta' dawn l-atti hija mmaterjali ghan-nozzjoni ta' 'lewd act' (ibid a fol 150 Volume LXXX 1996 part 4):

*'For the subsistence of the crime, it is not necessary that the defilement shall be immediate. The very young age of the person with whom the lewd acts have been committed does not rule out the crime if the remembrance of such acts is calculated to cause a defilement. **Indeed, according to our Law, if the victim is under twelve years of age, that is, a reason for aggravating the crime.'** (notes on the Criminal Law per Sir Anthony Mamo at page 226).*

Illi ghalhekk, fuq l-istess ammissjoni tieghu, din il-Qorti ssib lill-imputat hati skond l-akkuza, u wara li rat l-Artikli 203(1)(b), 28A, 28B(2)(b) tal-Kap 9 tal-Ligijiet ta' Malta, tikkundannah ghal sena prigunerija li minnha ghandu jitnaqqas iz-zmien li l-imputat ghamel f'arrest preventiv. Illi ghar-rigward tas-sentenza sospiza, din il-Qorti qed testendi s-sentenza moghtija fit-22 ta' Marzu 2005 fil-massimu, u cioe', sena prigunerija sospiza ghal erba' snin, mid-data tal-lum. Din il-piena qed tinghata wara li l-Qorti hadet in konsiderazzjoni l-fatti speci tal-kaz, inkluz l-ammissjoni bikrija tal-imputat, il-fatt li l-minuri kellu hmistax-il sena maghluqa u li ppartecipa f'kongungiment karnali mal-imputat bil-kunsens tieghu, wara li saru jafu lil xulxin fuq l-'internet', kif jidher mill-istqarrija tal-minuri, li taqbel perfettament mad-dettalji kollha li l-imputat ammetta ghalihom fl-istqarrija tieghu.

< Sentenza Finali >

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