



**COURT OF MAGISTRATES (MALTA)
AS A COURT OF CRIMINAL JUDICATURE**

**MAGISTRATE DR.
SAVIOUR DEMICOLI**

Sitting of the 6 th February, 2008

Number 66/2008

**The Police
(Inspector Johann J Fenech)**

vs

Ghani Natnail

The Court,

Seen the charges brought against Ghani Natnail of 17 years, born in Ethiopia on the 12th June 1991, son of Chnai and Alemine Telany and residing at Dar il-Liedna, Liedna Street, Fgura accused of having on the 25th January 2008 at about 18.20hrs at Hal-Far:

1. Reviled, threatened or caused bodily harm to PS 1227 M Pace, PC 550 G Zammit and Lawrence Spiteri, persons lawfully charges with a public duty, while in the

act of discharging their duty or because of them having discharged such duty, or with intent to intimidate or unduly influence them in the discharge of such duty;

2. assaulted or resisted by violence or active force not amounting to public violence PS 1227 M. Pace, PC 550 G. Zammit and Lawrence Spiteri, persons lawfully with a public duty when in the execution of the law or of a lawful issued by a competent authority;

3. committed spoil, damage or injury to or upon any movable or immovable property belonging to any other person, which damages do not exceed 23.33 euros (ten Maltese liri) to the detriment of the Government of Malta;

4. without intent to kill or put the life of Lawrence Spiteri and Ismael Abdul in manifest jeopardy, caused them slight bodily harm as certified by Dr. A. Bugeja from PHC;

5. without intent to kill or to put the life of Yakoub Hasnija Mohammed in manifest jeopardy, caused her grievous bodily harm as certified by Dr. K. Borg and Dr. D. Xuereb from Mater Dei Hospital;

The Court was humbly requested to, in addition to, or in lieu of the punishment applicable to the offences, apply the provisions of Sec 383 of the Criminal Code for the safety of PS 1227 and PC 550, Lawrence Spiteri. Ismael Abdul and Yaloub Hasnija Mohammed.

Heard evidence.

Seen the acts of the case and the exhibited documents.

Seen the Attorney General's Consent (Doc. FJ 1) and noted that accused has no objection to his case being dealt with summarily.

Also noted that in today's sitting accused in the presence of his lawyer declared that he is pleading guilty to all the charges brought against him.

The Court warned the accused, in the presence of his lawyer, in the most solemn manner as to the consequences of his admission of guilt and gave him

some time to decide whether to confirm his admission of guilt or not, and having been asked, in the presence of his lawyer, whether he confirms his admission of guilt or not, the accused, in the presence of his lawyer, confirmed that he is pleading guilty to all the charges brought against him.

Noted that in today's sitting Prosecuting Officer and Dr Martin Fenech Defence Counsel for Legal Aid for accused declared that when the crimes and contravention were committed, the accused was under the age of 18 years.

Noted also that in today's sitting Prosecuting Officer declared that as regards to charge 3, brought against accused, the damages done by accused to the detriment of the Government of Malta amount to 2 Euros.

Furthermore noted that in today's sitting Dr Martin Fenech Defence counsel for Legal Aid for accused declared that accused is accepting this amount.

Heard submissions on punishment by the Prosecution and Defence.

Seen sections 17, 37, 95, 96, 325(d), 221(1), 214, 216 and 338(dd) of Chapter 9 of the Laws of Malta.

Taking into consideration that accused Ghani Natnail in today's sitting pleaded guilty to all the charges brought against him, the Court has no alternative but to find said accused Ghani Natnail guilty of all the charges brought against him and having considered all the circumstances of the case including the fact that accused pleaded guilty to all the charges brought against him at an early stage of the case and the applicability in this case of Section 37 of Chapter 9 of the Laws of Malta and having seen sections 28A and 28B of Chapter 9 of the Laws of Malta condemns accused Ghani Natnail to two (2) years imprisonment and fifty eight Euro and twenty three Euro cents (Eur. 58.23) fine (multa) equivalent to twenty five Maltese liri (Lm25), this fine (multa) incorporating the two (2) Euro fine equivalent to eighty six Maltese cents (0.86c) as regards

the damages caused by the accused to the detriment of the Government of Malta regarding charge number 3 brought against accused and orders that this sentence as regards the punishment of imprisonment shall not take effect unless during the period of four (4) years as from today accused Ghani Natnail commits another offence punishable with imprisonment.

Furthermore, the Court by applying section 383 of Chapter 9 of the Laws of Malta, binds accused Ghani Natnail with a personal guarantee of two hundred and thirty two Euros and ninety four euro cents (Eur. 232.94) equivalent to one hundred Maltese liri (Lm100) to keep peace with PS 1227, PC 550, Lawrence Spiteri, Ismael Abdul and Yakoub Hamija Mohammed and generally not to disturb the public good order for a period of one (1) year as from today.

Finally the Court is giving accused Ghani Natnail the explanation prescribed in sub-section 28A(4) of Chapter 9 of the Laws of Malta.

< Final Judgement >

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