



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

**MAGISTRATE DR.
ANTONIO MICALLEF TRIGONA**

Sitting of the 29th September, 2008

Number 863/2008

The Police
(Inspector Priscilla Caruana)

Vs.

Duale Ali Farah

The Court,

Having seen the charges brought against the accused with identity card number 46794(A) with having on the 13th September 2008 at the Tent Village Open Centre, Hal Far, limits of Birzebbuga, at about 2:30a.m.:

1. without the intent to kill or to put the life of any person in manifest jeopardy, caused grievous harm to the body or health of Abdi Rashid Adam (Police Number 07E12), which bodily harm is deemed to be grievous as it

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causes any deformity or disfigurement in the face, neck, or either of the hands of the same Abad Rashid Adam as certified by Dr. Rene Camilleri MD registration number 3025 of Mater Dei Hospital;

2. for having on the same date, time, place and circumstances at the time of committing a crime against the person of Abdi Rashid Adam, had on his person any arm proper;

3. for having on the same date, time, place and circumstances wilfully disturbed the public good order or the public peace;

4. for having on the same date, time, place and circumstances disturbed the repose of the inhabitants by rowdiness or bawling, or in any other manner;

The Court is requested, if it deems it expedient, in addition to the punishment applicable to the offence, to apply the provisions of Art 383 of the Criminal Code to provide for the safety of Abdi Rashid Adam.

Having seen the note from the Attorney General that the case be heard summarily to which the accused did not oppose.

Having heard the evidence.

Having seen all the acts and records of proceedings.

Considers:

The charges against the accused refer to an incident which happened at the Open Centre in Hal Far. From the evidence produced to this Court it results satisfactorily, in the Court's opinion, that accused was himself a victim of an unsatisfied aggression against which he defended himself.

In view of the above the Court acquits the accused for the first and second charges but finds him guilty of the third

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and fourth. Having seen article 338(dd) and (ee) condemns him and and 10 days imprisonment with the deduction of the period that accused has spent in preventive custody.

< Final Judgement >

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