



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

**MAGISTRATE DR.  
EDWINA GRIMA**

Sitting of the 23 rd April, 2010

Number. 399/2010

**The Police  
(Inspector Nikolai Sant)**

**VS**

**Ionel Constantin age 31, son of Sandel and Georgeta  
nee` Chiochina, born at Com. Maicanesti Jud.  
Vrancea, Romania on the 2nd September 1978,  
residing at Lollies Place, Triq il-Barbagan, San  
Gwann, holder of Romanian identity card Lumber  
GL412070**

The Court;

Having seen the charges brought against accused Ionel Constantin accused of:

a) On the 11<sup>th</sup> April 2010 at about 18.00hrs, at St. Georges Road, St. Julians, committed theft from Clique

Bar, St. George's Road, St. Julian's to the detriment of Marco Bonnici, which theft was aggravated by means;

b) On the 11<sup>th</sup> April 2010 at about 18.00hrs, at St. Georges Road, St. Julians, willfully committed damage to or upon any immoveable or movable property, to the detriment of Marco Bonnici, which damages does not exceed one thousand one hundred and sixty nine Euros and sixty nine cents but more than one hundred and sixty nine Euros and forty seven cent;

c) Also on the same date, time and place, assaulted or resisted by violence or active force not amounting to public violence , against PC670 Walter Sheldon and PC1300 Julian Fenech lawfully charged with a public duty when in the execution of the law or of a lawful order issued by a competent authority;

d) Also on the same date, time and place reviled or threatened, or cause a bodily harm to PC670 Walter Sheldon and PC1300 Julian Fenech, lawfully charged 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;

e) Also on the same date, time and place caused slight injuries on the person of PC670 Walter Sheldon as certified by Dr. Marika Caruana M.D. Reg. No 2397 of Floriana Health Centre;

f) Also on the same date, time and place disobeyed the lawful orders of any authority or of any person entrusted with a public service;

g) Also on the same date, time and place disturbed the public good order of the public peace;

h) Also on the same date, time and place, in any public place or place open to the public, was found drunk and incapable of taking care of himself;

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i) Also on the same date, time and place, committed any other violation of another person's property at Clique Bar, St. George's Road, St. Julians to the detriment of Marco Bonnici and/or any other person;

j) On the 11<sup>th</sup> April 2010 at about 30.30hrs, at Lock up, Police General Headquarters, Floriana, willfully committed damage to or upon any immovable or movable property, to the detriment of the Malta Police Force, which damages does not exceed one hundred and sixty nine Euros and forty seven cent but more than twenty three Euros and twenty nine cents.

Having seen documents exhibited;

Having seen the Attorney General's consent for the case to be dealt summarily by this Court;

Having heard accused plead guilty to the charges brought against him which guilty plea was reaffirmed after the Court gave him adequate time to reconsider same;

Considers;

That in view of the guilty plea filed by the accused the Court cannot but find accused guilty as charged.

In considering the punishment to be inflicted the Court is taking into consideration the early guilty plea filed by the accused, his clean criminal record and the circumstances in which the crime was committed when the accused was in a drunken state. In fact accused has realised his wrongdoings and even apologized to the public officers involved in the incident for his misconduct.

Consequently the Court, after having seen Sections 261(b), 263, 278(1), 325(1)(b), 221(1), 95, 96, 338(dd), 338(ee), 338(bb), 340(d), 17(b), 17(d) and 17h of Chapter 9 of the Laws of Malta finds the accused guilty as charged and condemns him to a period of one (1) year imprisonment which in view of the above mentioned considerations and after having seen Section 28A of

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Chapter 9 of the laws of Malta is being suspended for two (2) years.

The Court warns accused of the consequences according to law should he commit another crime during the term of this sentence.

**< Final Judgement >**

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