

Kopja Informali ta' Sentenza



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

**MAGISTRAT DR.
MARSEANN FARRUGIA**

Seduta tal-5 ta' Jannar, 2011

Numru 79/2011

**The Police
(Inspector Louise Calleja)
(Inspector Carlos Cordina)**

vs.

Umit Kartal

The Court,

Having seen the charges brought against Umit Kartal, 32 years of age, Turkish national, son of Gazi Kartal and Halise nee' Karakus, born in Turkey on the 13th April 1978 and residing 28, Tasco, Triq il-Gandoffli, St Paul's Bay, and holder of ID card no 48844A and Turkish passport no TR 947776.

Pagna 1 minn 4

Qrati tal-Gustizzja

Charged for having in Gudja and in other localities on these islands, in December 2011, and in the preceding months or / and in any other localities on these islands, by several acts committed by him, even if at different times, which constitute violations of the same provisions of the law, committed in pursuance of the same design:

1. participated in sexual activities with sixteen year old minor A;
2. through his course of conduct caused A to fear that violence will be used against her and her family when he knew or ought to know that his course of conduct would cause them fear;
3. Pursued a course of conduct which amounted to harassment of A, and which he knew or ought to know that it amounted to harassment of A and /or other persons;
4. committed an offence against decency or morals, by any act committed in a public place or in a place exposed to the public

The Court was requested, on reasonable grounds to provide for the safety of A, her family and other persons, and forthwith apply the provisions of Section 412C of the Criminal Code and thus issue a protection order against the accused with all necessary restrictions or prohibitions.

After having heard the evidence and seen all the records of the case.

After having heard the accused plead guilty to the charge at an early stage of the proceedings, which admission was confirmed by the same accused even after the Court, in terms of Section 453(1) of Chapter 9 of the Laws of Malta, warned him of the legal consequences of that admission, and allowed him sufficient time to re-consider his reply, and to change it;

After having heard the oral submissions on the punishment;

Considered that:

From the evidence brought forward and from the guilty plea filed by the accused himself, the Court concludes that the accused is guilty of the charges laid against him.

As regards the punishment, the Court took into consideration the fact that the accused admitted to the charges at a very early stage of the proceedings, that he has a clean criminal record, and that B, the mother of the minor and the complainant, said on oath that that she is not insisting on a punishment of effective imprisonment, that both the accused and her daughter did a mistake, and that she only wanted that the accused leaves her daughter and her family in peace.

The Court, after seeing Sections 204C, 251A, 251B and 209 of Chapter 9 of the Laws of Malta, finds the accused guilty as charged, and condemns him to two (2) years imprisonment, but in the light of the considerations above-mentioned, this term of imprisonment is being suspended for a period of four (4) years from to-day, in terms of Section 28A(1) of Chapter 9.

In accordance with Section 28A(4) of Chapter 9 of the Laws of Malta, the Court explained in clear and simple language the meaning of this judgement to the offender, and the consequences which would follow if he fails to abide by it, that is if he commits another offence which is punishable by imprisonment within the operative period.

Furthermore, for the purpose of providing for the safety of A, B and C (herein after referred to as "the protected persons"), the Court is issuing a Protection Order against the offender. In virtue of this Protection Order, the Court:

1. prohibits the offender from approaching or following the movements of the protected persons;
2. prohibits access by the offender, for a period of six (6) months, to premises in which the persons protected live, work, study or frequent, even if the offender has a legal interest in those premises;
3. prohibits the offender from contacting or molesting the protected persons.

This Protection Order is to remain in force for a period of three (3) years from to-day.

The Court prohibits the publication of the names of the protected persons in the media..

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The Court orders that the records of these proceedings together with this judgment are sent to the Office of the Attorney General, within the time-limit stipulated by law

< Sentenza Finali >

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