



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

**MAGISTRAT DR.
NEVILLE CAMILLERI**

Seduta tat-23 ta' Awwissu, 2011

Numru. 84/2011

**Police
(Inspector Josric Mifsud)**

vs

Andrejs Roscenkovs, 30 years, son of Ivans and Ludmila nee' Baburova, born Riga, Latvia on the 24th February, 1981 and temporarily residing in Gozo at Number 2, Sciberras Court, Triq il-Qroll, Xlendi, holder of Maltese identity card number 59996(A)

The Court;

Having seen the charges brought against ANDREJS ROSCENKOVs charged with having at Triq il-Qroll, Xlendi, on the 13th August, 2011, at about 0200hrs:

a) had in possession the passport belonging to **Oksana Mihailicenko**, in breach of article 3 of Chapter 61 of the Laws of Malta;

b) and furthermore with having on the same date, time, place and circumstances, destroyed the passport of **Oksana Mihailicenko**, in breach of article 325(b) of Chapter 9 of the Laws of Malta;

c) moreover, for having on the same date place time and circumstances, wilfully disturbed the public good order or the public peace breach of Section 338 (dd) of Chapter 9 of the Laws of Malta;

d) for in same date, place, time and circumstances uttered obscene words in public in breach of article 338(bb);

and furthermore with having in June, 2011, at Triq Nazju Ellul, Gzira and month prior to this date, without a lawful order from the competent authorities, and saving the cases where the law authorizes private individuals to apprehend offenders, arrested, detained or confined **Oksana Mihailicenko** against her will, or provided a place for carrying out such arrest, detention or confinement during which arrest, the individual arrested, detained or confined namely *Oksana Mihailicenko* was subjected to bodily harm, or threatened with death and which crime was committed with the object of extorting money or effects or of compelling any other person to agree to any transfer of property belonging to such person;

After having examined all documents forming part of the proceedings;

After having heard the accused plead guilty to the first and the second charges brought against him notwithstanding the fact that the Court, in terms of Section 453(1) of Chapter 9 of the Laws of Malta, warned him in the most solemn manner of the legal consequences of his guilty plea after having given him sufficient time within which to reconsider and withdraw his guilty plea;

Having heard the admission of the accused to the first and the second charges brought against him, the Court

necessarily finds him guilty of the first and the second charges brought against him;

With regards to the punishment the Court heard submissions by the Prosecuting Officer and Defense Counsel. The Court also took into consideration that the accused fully co-operated with the Police and that he submitted an early guilty plea.

Therefore, as regards the first and the second charges brought against the accused, whilst having seen and considered Section 3 of Chapter 61 of the Laws of Malta and Section 325(b) of Chapter 9 of the Laws of Malta, the Court finds the accused guilty of the first and the second charges brought against him and condemns him to six (6) months imprisonment. However, since the Court is of the opinion that there are sufficient reasons which warrant that the said term of imprisonment be suspended, in terms of Section 28A of Chapter 9 of the Laws of Malta, suspends the said term of six (6) months imprisonment for a period of three (3) years from date of this judgment.

In terms of Section 28A(4) of Chapter 9 of the Laws of Malta the Court has explained to the accused in plain language his liability under Section 28B of Chapter 9 of the Laws of Malta if during the operational period he commits an offence punishable with imprisonment.

As regards the third, fourth and fifth charges brought against the accused, the Court acquits the accused from these charges due to lack of evidence.

< Sentenza Finali >

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