



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

**MAGISTRATE DR.
NEVILLE CAMILLERI**

Sitting of the 6 th December, 2011

Number. 89/2011

**The Police
(Inspector Josric Mifsud)**

vs.

Ainab Mohamud Farhan

The Court,

After having seen the charges brought against **Ainab Mohamud Farhan**, thirty two (32) years, son of Mahmoud u Fatma Abdul Rahman, born on the 1st of January 1979, residing at Flat 2, Vancouver, Triq Santa Rita, Birzebbugia, Malta and holder of Maltese ID Card number 33868(A);

Accused with having on these islands on the 2nd September, 2011, at around 17:30hrs, in Inspector Josric

Mifsud's Office, Victoria Police Station, Victoria in the presence of PS 1377 Emanuel Cilia;

a) with the intent to harm PS 428 C Debattista, PC 553 R Pace, and PC 905 J Portelli, accused such persons before Insp J Mifsud and PS 1377 E Cilia with an offence of which he knew such persons to be innocent in breach of Section 101 of Chapter 9 of the Laws of Malta

b) laid before the Executive Police an information regarding an offence knowing that such offence had not been committed, in breach of Articles 110(2) of Chapter 9 of the Laws of Malta

And also accused him with having on these islands on the night of the 1st to the 2nd September, 2011, between about 23.30hrs and 00.30hrs at Saint Francis Square, Victoria, Gozo and various other places in Gozo,

c) committed an offence against decency or morals, by any act committed in a public place or in a place exposed to the public, in breach of Section 209 of Chapter 9 of the Laws of Malta

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

e) for having on the same date, time, place and circumstances even though in a state of intoxication, publicly uttered obscene or indecent words, or made obscene acts or gestures, or in any other manner not otherwise provided for in this Code, offended against public morality, propriety or decency, in breach of Section 338bb of the Laws of Malta

f) for having on the same date, time, place and circumstances was found drunk and incapable of taking care of himself, or in any public place or place open to the public, in breach of Section 338ff of the Laws of Malta

g) for having on the same date, time, place and circumstances disobeyed the lawful orders of any authority or any person entrusted with a public service, or hindered or obstructed such person in the exercise of his duties, or otherwise unduly interfered with the exercise of such duties, either by preventing other persons from doing what they are lawfully enjoined or allowed to do, or frustrating or undoing what has been lawfully done by other persons, or in any other manner whatsoever, unless such disobedience or interference falls under any other provision of this Code or any other law, in breach of Section 338ee of the Laws of Malta

h) for having on the same date, time, place and circumstances was carrying outside any premises or appurtenance thereof, a knife or cutting or pointed instrument of any description without a license or permit from the Commissioner in breach of Section 6 of Chapter 480 of the Laws of Malta

i) and moreover for becoming a recidivist with the sentences dated 30th July, 2009, 24th July, 2009 (Courts of Law, Gozo), and 22nd October, 2009, and 28th September, 2009 (Courts of Law, Malta).

After having examined all documents forming part of the proceedings, including the consent of the Attorney General wherein he gave his consent for this case to be dealt with summarily.

After having heard the accused plead guilty to the 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.

Informal Copy of Judgement

After having seen the social inquiry report and the recommendation presented by probation officer Saviour Lia.

Considered

In the light of the guilty plea submitted by the accused, the Court has no alternative but to find him guilty of the charges brought against him.

With regards to the punishment the Court heard submissions by the Prosecuting Officer and Defense Counsel, took into consideration the social inquiry report and the recommendation presented by probation officer Saviour Lia, the fact that accused submitted a guilty plea and the nature of the charges brought against him.

Therefore, whilst having seen and considered Sections 49, 101, 110(2), 209, 338(dd), 338(bb), 338(ff) and 338(ee) of Chapter 9 of the Laws of Malta and Section 6 of Chapter 480 of the Laws of Malta, the Court finds the accused guilty of the charges brought against him and condemns him to eighteen (18) 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 eighteen (18) 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.

< Final Judgement >

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