



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

**MAGISTRATE DR.
PAUL COPPINI**

Sitting of the 24 th January, 2013

Number. 9/2013

The Police
(Inspector Bernard Charles Spiteri)

vs.

Ainab Mohamud Farhan, holder of Maltese ID No. 33868(A) aged 33 years, son of Mahmoud and Fatima Abdul Rahman, born in Mogadishu, Somalia, on the 1st January 1979, and presently residing at Flat 1, *Tal-Grazzja Flats*, Mons Giuseppi Depiro Street, Żebbuġ, Gozo.

Today, the 24th January 2013

The Court;

Having heard the charges brought against the accused whereby he was charged: “with having on the 22nd January 2013 with several acts committed by yourself,

even if at different times, constitute violations of the same provisions of the law, and are committed in pursuance of the same design, whilst being at Victoria, Gozo and/or at the Maltese Islands, failed to observe two of the conditions imposed by the Criminal Court presided by Hon. Mr. Justice David Scicluna LL.D., Mag. Jur. (Eur. Law) on the 16th July 2012 on a personal guarantee of €1,000, that of failing of reporting at Victoria police station every day between 6.00 a.m. and 9.00 a.m. and between 6.00 p.m. and 8.00p.m. and if you cannot report as aforesaid for medical reasons, that you must inform the Police Station forthwith and send a medical certificate not later than six hours from the prescribed time at which you had to report at the district police station and that if you are to change your place of residence, you must inform the Court at least seven days prior to such change so that the Court may grant its approval, amongst other conditions that were stipulated by the same Court, in breach of article 579(2) of Chapter 9 of the Laws of Malta.

The Court is being asked to revoke the bail conditions of Ainab Mohamud Farhan and order his re-arrest, whilst the sum stated in the bail bond shall be forfeited to the Government of Malta as stipulated in article 579 (2)(3) of the Chapter 9 of the Laws of Malta.

And moreover for becoming a recidivist after being sentenced for an offence by a judgment which has become absolute and this in breach of articles 49 and 50 of the Criminal Code.”

Having seen the documents exhibited by the Prosecution, namely the conviction sheet of the accused, exhibited as document “BS1”, the police incident report, exhibited as Document “BS2”, a statement released by the accused on the twenty-second (22nd) January two thousand and thirteen (2013), exhibited as Document “BS3” and the declaration of refusal to consult a private lawyer, exhibited as Document “BS4”.

Having also seen a true copy of the bail conditions imposed by the Criminal Court as presided by Mr. Justice

Informal Copy of Judgement

David Scicluna on the sixteenth (16th) July two thousand and twelve (2012);

Having seen the sentence delivered by this Court as presided on the tenth (10th) January of this year;

Having heard Inspector Spiteri giving evidence in the presence of the accused and the same accused giving evidence in his defence and explaining why he failed to report to the police station as obliged;

The Court;

After having seen article 579 (2) and articles 49 and 50 of the Criminal Code, finds the accused guilty as charged, and in the particular circumstances of the case condemns him to a period of three (3) months imprisonment, but as the accused suffers from diabetes , whilst having a problem with the consumption of alcohol, with the recommendation to the Director of Prisons to follow his medical condition and to send him to a rehabilitation programme.

< Final Judgement >

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