



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

**MAGISTRATE DR.
ANTONIO MIZZI**

Sitting of the 13 th May, 2013

Number. 1255/2010

The Police
(Inspector Robert Said Sarreo)

VS

Mike Said Yakabu, born in Burkina Faso on the 1st
January, 1982, identity card number 38379(A)

The Court,

Having seen the charges proffered against the accused:
a. with having on the 14th March, 2010, at around 4.00
p.m., whilst driving in Marsaskala Road, Zabbar, through
imprudence, carelessness, unskillfulness in his art or
profession, or non-observance of regulations, caused
serious bodily harm on the person of Ryan Falzon, which
serious grievous bodily harm caused a permanent debility
of the health or any permanent functional debility of any
organ of the body, or any permanent defect in any part of
the physical structure of the body, or any permanent

mental infirmity, or any serious and permanent disfigurement, as certified by Dr. Satya Brata Das M.D., the doctor of the Casualty Department at Mater Dei Hospital and other certifying doctors;

b. on the same date, time, place and circumstances, driven a vehicle, Citroen ZX bearing registration number HAB 851, in a reckless, negligent and dangerous manner;

c. on the same date, time, place and circumstances, driven a vehicle, Citroen ZX bearing registration number HAB 851, at an excessive speed;

d. on the same date, time, place and circumstances, driven a vehicle, Citroen ZX bearing registration number HAB 851, on the wrong side of the road.

The Court has been requested, upon pronouncement of judgement or in any subsequent order, to sentence the person convicted to pay wholly the Court Registrar the costs incurred in connection with the employment in the proceedings of the Court Experts or referees as stipulated in section 533 of the Criminal Code.

The Court is requested, apart from applying the necessary punishment as stipulated by law, to apply section 383 of the Criminal Code in order to safeguard the security of the witnesses involved.

Having seen the records of the case of the 13th May, 2013 where Ryan Falcon informed the Court that the injuries suffered by him were of a grievous nature 'per durata' since he broke his elbow. Moreover, he informed the Court that all civil issues have been closed to his satisfaction and declares that he has no further interest in this case.

Having seen that the parties agreed that this was an accident due to unforeseen circumstances.

Having seen that the accused admitted to the charges as proffered.

Having heard the prosecution and the lawyer for the accused with regard to the punishment to be meted out.

Consequently, the Court finds the accused guilty of the charges as proffered. Having seen section 225(1) and 226(1)(b) of the Criminal Code and section 15(1)(a) of Chapter 65 of the Laws of Malta. Having seen his early admission and his clean conduct sheet, this Court does not condemn him to a term of imprisonment but sets him free under the provisions of section 22 of Chapter 446 of the Laws of Malta on condition that he commits no further offence for a period of three years. Moreover, this Court condemns the accused to the payment of a fine of two hundred euro (€200). In the circumstances, there is no need to suspend the driving licence of the accused.

< Final Judgement >

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