



MALTA

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

**MAGISTRATE DR.  
CAROL PERALTA**

Sitting of the 31 st May, 2014

Number. 541/2014

**THE POLICE  
INSPECTOR ELTON TALIANA**

**VS**

**MOHAMED P. MOHAMED BUSHARAIA**

**The Court:**

Having seen the accusations brought against the accused Mohamed P. Mohamed Busharaia, holder of Libyan Passport 359293 and I.D. card number 114287 (M).

**Accused that:**

Having in these islands on the 30<sup>th</sup> of May, 2014, at around half five (05:30hrs) in St. Julians or in the vicinity:

1. Without the intent to kill or to put the life in manifest jeopardy, caused grievous bodily harm on the person of Abdinasir Noor Kinaan;
2. Accused him for having on the same date, time, place and circumstances with the intent to commit a crime hence to commit wilful grievous bodily harm on the person of Abdinasir Noor Kinaan manifested such intent by overt acts which was followed by a commencement of the crime, which crime was not completed in consequence of some accidental cause independent of the will of the accused;
3. Accused him further for having on the same date, time, place and circumstances took part in an accidental affray and caused bodily harm on the person of Abdinasir Noor Kinaan;
4. Accused him further for having on the same date, time, place and circumstances provoked a tumult or an affray for the purpose of committing a homicide or a bodily harm to the detriment of Abdinasir Noor Kinaan;
5. Accused him further for having on the same date, time, place and circumstances wilfully disturbed the public peace and order.

**The Court:**

Read the documents and accusations;

Heard the evidence produced under oath;

After having seen Articles 216, 218, 41 (1) (a), 237 (b) (c) (d), 238 (b), 338 (dd) of Chapter 9 of the Laws of Malta.

Abdinasir Noor Kinaan is hereby renouncing to his right of criminal action and forgives the accused.

In virtue of this declaration, the Court declares charges 2, 3 and 4 exhausted and for which no further action will be taken,

The Court considers that the accused voluntarily and unconditionally admitted charges 1 and 5 brought against him by the prosecution, which left the Court with no alternative but to find the accused guilty as charged.

Therefore, the Court conditionally discharges the accused for a period of two (2) years in terms of Article 22 of Chapter 446 of the Laws of Malta.

The Court explained the consequences of the judgement to the accused.

**< Final Judgement >**

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