



MALTA

QORTI TAL-MAGISTRATI (MALTA)
BHALA QORTI TA' GUDIKATURA KRIMINALI
MAGISTRAT DR.
JOSETTE DEMICOLI

Seduta ta' l-24 ta' Novembru, 2014

Numru. 105/2014

The Police
(Inspector Jonathan Ransley)

Vs

Milan Cugalj

Sitting of 24th November 2014

The Court,

Having seen the charges brought against the accused Milan Cugalj holder of identity card number 52066A with having, on the 7th January 2014 at 42, Clarence, Flat 2, Graham L. Street, Sliema during the night:

1. Voluntarily caused slight injuries on the person of Violeta Nedeljkovic as certified by Dr Adam Falzon Reg. No. 3925 of Floriana,
2. reviled or threatened, or caused a bodily harm to any person lawfully charged with a public duty, while in the act of discharging his duty or because of his having discharged such duty, or with intent to intimidate or unduly influence them in the discharge of such duty, mainly WPS215, PC1188, PC1296, PC336 and PC1583 and,
3. disobeyed the lawful orders of any authority or of any person entrusted with a public service, or hindered or obstructed such person in the exercise of his duties, namely WPS215, PC1188, PC1296, PC336 and PC1583,
4. with his course of conduct caused Violeta Nedeljkovic fear that violence will be used against her or her property or against the person or property of any of her ascendants, descendants,
5. for breaching the conditions of conditional discharge which sentence was delivered on the 8th October 2013 by Magistrate Dr I. Farrugia LL.D.

The Court is requested to provide for the safety of Violeta Nedeljkovic by applying the provisions of article 412C of Chapter 9 of the Laws of Malta.

Having seen all the acts and documents exhibited;

Having heard Violeta Nedeljkovic testify and declare that she is renouncing to those charges which can be renounced.

Having heard the accused plead guilty to the second, third and fifth charges brought against him, notwithstanding the fact that the Court 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 prosecution and defence counsel make their submissions.

Considers:

Having heard the guilty plea of the accused to the second, third and fifth charges brought against him the Court has no alternative but to declare the accused guilty of all the charges brought against him.

With regards to the fourth charge no proof was produced and thus it has not been proven.

With regards to punishment the Court took into consideration the fact that the accused pleaded guilty and the circumstances of the case.

In view of the above, the Court, after having seen articles 17, 95, 251B, 338(ee) of Chapter 9 of the Laws of Malta, upon admission finds the

accused guilty of the second, third and fifth charges brought against him and by application of article 7 of Chapter 446 of the Laws of Malta puts him under a probation order for a period of one year as from today in accordance with the order annexed which forms an integral part of this judgment. The Court declares the exhaustion of the procedure with regards to the first charge and with regards to the fourth charge brought against the accused the Court finds him not guilty and thus he is acquitted from same.

In view of the declaration made by Violeta Nedeljkovic there is no need for this Court to issue a protection order.

The Court explained to defendant in ordinary language of the consequences should he commit another offence within the period of one year.

The Court orders that this judgment be notified to the Office of Director of Probation.

< Sentenza Finali >

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