



MALTA

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

**MAGISTRATE DR.
CHARMAINE GALEA**

Sitting of the 22 nd March, 2015

Number. 326/2015

**The Police
(Inspector Godwin Scerri)**

vs.

**Daraev Baisangur Abdurachmanovic
(German identification card document no: L2TZZ7CGP)
and
Nicovic Niclas Daniel
(German identification card document no: L75787H6V)**

The Court,

Having seen that the offenders Daraev Baisangur Abdurachmanovic and Nicovic Niclas Daniel were charged with having on the 21st of March 2015 at around 01:30a.m. in St. Paul's Bay:

1. With the intention of making temporary use, drove a motorbike of make Peugeot bearing license plate no. CQZ-729 to the detriment of Mr Albert Caruana, in breach of Article 61 of Chapter 65 of the Laws of Malta.
2. Nicovic Niclas Daniel alone is accused of having on the 21st of March 2015, wilfully committed voluntary spoil, damage or injury to or upon any movable or immovable object, of damage that exceeds euro 250, but does not exceed the amount of euro 2500 to the detriment of Mr Albert Caruana in breach of Article 325 (1)(b) of Chapter 9 of the Laws of Malta.
3. Both of them are accused of having on the same date, time and circumstance, drove a motor vehicle without a motor license in breach of Article 15(1)(a) of Chapter 65 of the Laws of Malta.
4. Both of them are accused of having on the same date, times and circumstances, drove a motor vehicle without an insurance policy covering third parties in breach of Article 3 of Chapter 104 of the Laws of Malta.
5. Both of them are accused of having on the same date, times and circumstances, drove a motor vehicle (motorcycle Peugeot CQZ-729) without wearing a crash helmet in breach of Article 123(2) of Subsidiary Legislation 65.11.
6. Both of them are accused of having refused to obey legitimate orders by public officers in breach of Article 338(ee) of Chapter 9 of the Laws of Malta.

After having heard the offenders plead guilty to the charges at an early stage of the proceedings, which guilty plea was confirmed by the same offenders after the Court, in terms of section 453 (1) of Chapter 9 of the Laws of Malta, warned them of the legal consequences of that guilty plea, and allowed them sufficient time to re-consider their reply, and to change it;

After having seen the records of the case;

After having seen the documents exhibited by the Prosecuting Officer;

After having heard the oral submissions on the punishment;

Considered that:

From the evidence brought forward and from the guilty plea registered by the offenders themselves, the Court concludes that the offenders are guilty of the charges laid against them.

As regards the punishment, the Court took into consideration the fact that the offenders admitted to the charges at a very early stage of the proceedings, that they co-operated with the police, that they have a clean conviction sheet and that Nicovic Niclas Daniel is seventeen years of age, hence a minor. The Court also took note of the amount of damages caused in this incident which amounts to €1009.

For these reasons, the Court, after having seen sections 15 (1) (a) and 61 of Chapter 65 of the Laws of Malta, sections 25 (1) (b) and 338 (ee) of Chapter 9 of the Laws of Malta, section 3 of Chapter 104 of the Laws of Malta and Regulation 123 (2) of Subsidiary Legislation 65.11, on their admission, finds offenders Daraev Baisangur Abdurachmanovic and Nicovic Niclas Daniel guilty of the charges brought against them and condemns **Daraev Baisangur Abdurachmanovic** to nine (9) months imprisonment which by application of section 28A (1) of Chapter 9 of the Laws of Malta are being suspended for a period of two (2) years from today and **Nicovic Niclas Daniel** to six (6) months imprisonment which by application of section 28A (1) of Chapter 9 of the Laws of Malta are being suspended for a period of two (2) years from today. The Court also condemns **Nicovic Niclas Daniel** to the payment of a fine (ammenda) of one hundred and fifty euro (€150).

Informal Copy of Judgement

In terms of section 28H (1) of Chapter 9 of the Laws of Malta, the Court is also ordering both offenders to pay the injured party Albert Caruana the sum of five hundred and four euro and fifty cents (€504.50) each within ten (10) days from today.

The Court, in accordance with Section 3 (2A) of Chapter 104 of the Laws of Malta, is also disqualifying the offenders from holding or obtaining a driving licence for a period of twelve (12) months from today.

Finally, in accordance with sections 28A (4) and 28H (7) of Chapter 9 of the Laws of Malta, the Court explained in clear and simple language the meaning of this judgement to the offenders, and the consequences which would follow if they fail to abide by it, that is if they commit another offence which is punishable by imprisonment within the operative period, and/or if they fail to pay the injured party the amount prescribed above within the time limited stipulated above.

The Court orders that in terms of section 392A this judgement, together with all the acts of this case, be sent to the Attorney General within the time prescribed by law.

< Final Judgement >

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