



MALTA

QORTI TAL-MAGISTRATI (MALTA)
BHALA QORTI TA' GUDIKATURA KRIMINALI
MAGISTRAT DR.
DOREEN CLARKE

Seduta tat-18 ta' Mejju, 2015

Numru. 395/2015

The Police
(Inspector Caroline Fabri)

vs

Kausa Fazlo

Case Number: 395/2015

The Court,

Having seen the charges against **Kausa Fazlo** holder of passport number 9014831.

Charged with having, together with other persons, on the 27th April, 2015 at 23.30hrs in Ball Street, St. Julian's:-

1. Without the intent to kill or to put the life in manifest jeopardy, caused grievous bodily harm on the person of Wadea Al Maghrbi;
2. And with having on the same date, time, place and circumstances took part in an accidental affray and caused bodily harm on the person Wadea Al Maghrbi;
3. And with 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 Wadea Al Maghrbi;
4. And with having on the same date, time, place and circumstances wilfully disturbed the public peace and order;
5. And charge him further with having on the same date, time, place and circumstances carried outside any premises or appurtenance thereof, a knife or cutting or pointed instrument of any description without having a licence or permit from the Commissioner of Police.

Having seen sections 214, 215, 216, 237, 238 and 338(dd) of Chapter 9 of the Laws of Malta and section 6 of Chapter 480 of the Laws of Malta.

Having seen that during today's hearing held by this Court sitting as a Court of Criminal Inquiry the accused admitted the charges brought against him and confirmed this admission of guilt even after having been given time to reconsider his plea.

Having seen the documents filed by the prosecuting officer.

Having heard submissions regarding the penalty to be meted out.

Having considered

That defendant admitted the charges brought against him; these are consequently sufficiently proven.

With regards the penalty to be meted out, the Court took into consideration the nature of the offences of which defendant is being found guilty, his co-operation with the police, his clean conviction sheet, and his admission at an early stage of these proceedings.

Wherefore the Court, after having seen 214, 215, 216, 237, 238 and 338(dd) of Chapter 9 of the Laws of Malta and section 6 of Chapter 480 of the Laws of Malta, on his admission finds defendant guilty of the charges brought against him and with regard to the first four charges condemns him to two years imprisonment which by application of section 28A of Chapter 9 of the Laws of Malta are being suspended for a period of two years, and with regard to the fifth charge condemns him to a fine (multa) of one hundred and sixteen Euros and forty seven cents. (116.47). Further more and by application of sections 382A and 412(C) of Chapter 9 of the Laws of Malta, in order to provide for the safety of Wadea Al Naghrbi and for the keeping of the public peace, the Court is issuing a restraining order against the accused for a period of three years with the conditions listed in the order given together with this judgement. In conclusion and by application of section 56 of Chapter 480 the Court is ordering the forfeiture of the knife exhibited Doc CF8.

The Court explained to the defendant in ordinary language the significance of this judgement and of the consequences should he commit an other offence in the period of two years or should he violate the conditions of the restraining order.

< Sentenza Finali >

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