

DISTRICT COURT OF MITROVICA

P. nr. 123/08

1 November 2010

IN THE NAME OF THE PEOPLE

THE DISTRICT COURT OF MITROVICA, in the trial panel composed of EULEX Judge Caroline Charpentier as Presiding Judge, and EULEX Judges Hajnalka Veronika Karpati and Christine Lindemann-Proetel, as panel members, with the participation of EULEX Legal Officer Noora Aarnio as Recording Officer in the criminal case against;

B. I., charged with, according to the Indictment of the Prosecutor PP. nr. 109/2008, dated 17.11.2008 and filed with the Registry of the District Court of Mitrovica on 17 November 2008 and as confirmed by the Ruling on Confirmation of the Indictment dated 18 May 2010, Grave Cases of Theft in the Nature of Robbery or Robbery (Article 256, paragraph 1, in conjunction with Article 255 paragraphs 1 and 2 in conjunction with Article 23 of CKK),

After having held the main trial hearing in public on 1 November, all in the presence of the accused **B. I.**, his Defence Counsel Agim Lushta, Injured Parties S. S. and H. S., Authorized Representative of the Injured Parties Sh. A. and EULEX Public Prosecutor Adebayo Kareem, after the trial panel's deliberation and voting held on 1 November 2010, pursuant to Article 392 paragraph (1) of the Criminal Procedure Code of Kosovo (CPCCK) pronounced - on the same day - in public and in the presence of the Accused, his Defence Counsel, the Injured Parties, their Authorized Representative and the EULEX Public Prosecutor the following

JUDGEMENT

The charge of Grave Cases of Theft in the Nature of Robbery or Robbery, contrary to Article 256, paragraph 1, in conjunction with Article 255 paragraphs 1 and 2 in conjunction with Article 23 of CKK against the accused **B. I.**, no nickname, son of I. I. and F. Z., born on in , Kosovo, of A. ethnicity, resident of , widowed, highest education elementary school, unemployed, of poor economic status, many known previous convictions, in detention from **is rejected** pursuant to article 389 item 1 of the Criminal Procedure Code of Kosovo (CPCCK)

- **because** on 1 November 2010 in the main trial session the prosecution has withdrawn the charges against **B. I.** and the injured parties have not taken the subsidiary prosecution.

The costs of criminal proceedings will be paid from budgetary resources pursuant to Article 103 Paragraph (1) of the CPOK.

Reasoning

In the indictment PP. nr. 109/2008 dated 11 November 2008 and confirmed by the Ruling on Confirmation of the Indictment dated 18 May 2010, **B. I.** has been charged of Grave Cases of Theft in the Nature of Robbery or Robbery (Article 256, paragraph 1, in conjunction with Article 255 paragraphs 1 and 2 in conjunction with Article 23 of CKK).

On 1 November 2010, first day of the main trial, after the examination of one of two injured party, heard as a witness, it appeared that the main witness denied completely the participation of the defendant to the aggravated theft and kept on identifying someone else. After having confronted the witness with the evidence enclosed in the case file, such as his statement given to the police officer the day of the attack, the prosecution withdrew the charges against **B. I.**

The injured parties have not taken the subsidiary prosecution.

THEREFORE, pursuant to Article 389 item 1 of the Criminal Procedure Code of Kosovo (CPOK) **the charges** of Grave Cases of Theft in the Nature of Robbery or Robbery, contrary to Article 256, paragraph 1, in conjunction with Article 255 paragraphs 1 and 2 in conjunction with Article 23 of CKK against the accused **B. I. were rejected.**

As the charges against **B. I.** were rejected, he does not have to reimburse the costs of criminal proceedings. They will be paid from budgetary resources pursuant to Article 103 Paragraph (1) of the CPOK.

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Prepared in English, an authorized language.

Noora Aarnio
Recording Officer

Caroline Charpentier
Presiding Judge

Hajnalka Veronika Karpati
Panel Member

Christine Lindemann-Proetel
Panel Member

Legal remedy: The judgement became final on the 9th of November 2010