

## MUNICIPAL COURT OF PEJA/PEC

**KA.nr.28/12**

**Date 04 April 2012**

EULEX Confirmation Judge Malcolm Simmons, in a criminal case against

BURIM SADIKU, son of father Sylejman Sadiku and mother Meliha Vokshi, born on 20 September 1980, in Peja, Albanian, citizen of Republic of Kosovo, and

BAJRAM SADIKU, son of father Ymer Sadiku and mother Ganimete Sedefi, born on 18.07.1981 in Peja, Albanian, citizen of Republic of Kosovo

Charged in Indictment PPS.no.52/10 dated 25 November 2011, filed in the court of 29 November 2011, with the criminal offence of *Tax Evasion* pursuant to article 249, par. 1 and 2 of CCK

After reviewing the waiver of the defendants from the Confirmation Hearing filed through their defense counsels Gezim Kollcaku and Xhelal Radoniqi respectively, on 04 April 2012 and pursuant to article 310 par. 2 and Article 316 par. 4 and Article 312 (1) of KCCP, issues the following

### R U L I N G

The waiver from the review of the Indictment and of the evidence filed by the defendants Burim Sadiku and Bajram Sadiku through their defense counsels Gezim Kollcaku and Xhelal Radoniqi is ACCEPTED.

The confirmation hearing scheduled for 05 April 2012 is CANCELLED.

Pursuant to Articles 316 par. 4 and 312 par. 1 of the KCCP, the Indictment PPS.nr.52/10 dated 25 November 2011 filed by the Special Prosecution Office is CONFIRMED.

The Indictment, together with all the records of the case file, shall be sent to the Presiding Judge for the main trial, immediately after this ruling becomes final.

### R e a s o n i n g

On 29 November 2011 the Special Prosecution Office filed Indictment PPS.no.52/10 dated 25 November 2011 against the defendants Burim Sadiku and Bajram Sadiku for the criminal offence of *Tax Evasion* pursuant to article 249, par. 1 and 2 of CCK. The indictment was filed in the District Court of Peja.

The Confirmation Judge of the District Court of Peja on 16 February 2012 issued a Ruling pursuant to article 316 par. 3 of KCCP, declaring the District Court of Peja incompetent as to the subject-matter competence and referred the case in the Municipal Court of Peja as the competent court.

After the indictment was received, the Confirmation Judge sitting in the Municipal Court, after assessing it pursuant to article 306 par. 2 of KCCP, finds that the Indictment is drawn up in accordance to article 305 of KCCP.

Thereafter, the Confirmation Judge scheduled the Confirmation Hearing for 05 April 2012, and to which the Special Prosecutor, the defendants Burim and Bajram Sadiku, their defense counsels Gezim Kollcaku and Xhelal Radoniqi were duly summonsed.

On 04 April 2012, pursuant to article 309 par. 3 sub-par. 1 of KCCP the defendant's defense counsel's Gezim Kollcaku and Xhelal Radoniqi each filed a waiver from the review of the Indictment and of the evidence upon which the Prosecution relied.

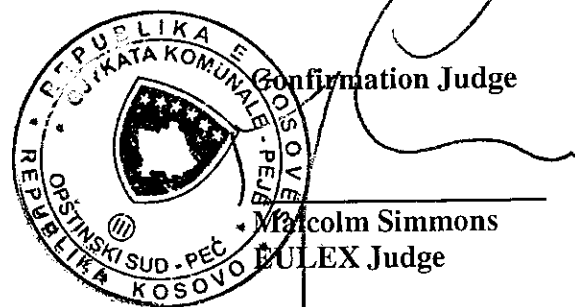
After reviewing the waivers and considering the defendants are each represented by experience defence counsel, the Confirmation Judge is satisfied that the defendant's understand the consequences of the waiver.

Herein, the Confirmation Judge, pursuant to article 310 par. 2 of KCCP, accepts the waiver and cancels the confirmation hearing.

The confirmation judge finds that none of the circumstances from article 316 par. 1 2, and 3 of KCCP exists, therefore issues the present ruling, pursuant to article 316 par. 4 of the KCCP.

Pursuant to Articles 316 (4) and 312 (1) of the KCCP the Confirmation Judge confirms the said Indictment.

**MUNICIPAL COURT OF PEJA/PEC, KA.nr.28/12 dated 04 April 2012.**



**LEGAL REMEDY:**

No appeal is permitted against this ruling.