

Pre-trial Proceedings 677/93C

RULING.- In the city of Marbella, on November second of one thousand nine hundred and ninety-five.

FACTS

ONE.- These Pre-trial Proceedings were filed pursuant to a claim lodged by Jaime Torreadella Pare, on behalf and in representation of Hans Bernard Friedli Von Muhlenen, the preparatory enquiries considered necessary and sufficient to elucidate the facts having been conducted.

LEGAL BASES

SOLE.- In view of the date of the Ruling issued by First-Instance Court Number 2 of this city during its Pre-trial Proceedings 1451/91 and of the date of the Ruling issued by this Court decreeing the new warehousing of the vehicles during the Preliminary Proceedings 253/93 (the 3-month period fixed in that Ruling for the warehousing of the vehicles in question having elapsed), with there being no record that the defendant was aware of the civil action brought by the plaintiff during the course of those three months, one must agree with the Public Prosecutor's Office in its report dated last October 5th, in concluding that the records on file fail to show that any criminal offense has been committed (Article 641.1 of the Criminal Procedures Act (L.E.Cr.)).

In view of the aforementioned, Mr. Antonio Ruiz Villén, Judge of First-Instance Court Number 5 of this city,

DECIDES: to decree the temporary stay of these Pre-trial Proceedings.

Once this decision is final, the proceedings should be filed and recorded in the appropriate registers.

Let the parties who have appeared before the court be notified.

An appeal for reconsideration with a supplementary appeal, or simply the latter, may be filed against this Ruling, which is not final, within the 3 days following its notification before this Court.

So decreed and signed.

E/

[signature reading: Antonio Ruiz Villén]