QORTI TAL-MAGISTRATI (MALTA)

BHALA QORTI TA' GUDIKATURA KRIMINALI

MAGISTRAT DR. JOSETTE DEMICOLI LL.D

Il-Pulizija

(Spettur Roderick Agius)

Vs

George Barun

Kump Nru: 311/2012

Illum 14 ta' Novembru 2016

Il-Qorti,

Rat l-imputazzjonijiet migjuba kontra l-imputat George Barun, iben Emanuel u Grace nee' Pullicino, imwieled Zabbar, fis-17 ta' Lulju, 1954 u residenti Lougeo, Triq ix-Xghajra, Zabbar, detentur ta' karta tal-identita' 555454(M).

Talli fix-xahar ta' Dicembru 2011 u fil-granet u gimghat ta' qabel, gewwa ix-Xaghjra, Zabbar u f'postijiet ohra f'dawn il-gzejjer, b'diversi atti maghmulin minnu fi zminijiet differenti izda li jiksru l-istess dispozizjoni tal-ligi u li gew maghmulin b b'rizoluzzjoni wahda, xjentement xtara jew laqa' ghandu oggetti misruqa li l-valur taghhom jaccedi elfejn tlett mija u disgha u ghoxrin ewro u sebgha u tletin centezmu (€2329.37) u li gew mehuda b'qerq jew akkwistati b'reati sew jekk dan sar f'Malta jew barra minn Malta, jew xjentament, b'kull mod ieohr li jkun indahal biex ibieghhom jew imexxihom;

Akkuzat ukoll talli irrenda ruhu ricediv ai termini ta' l-artikolu 49 tal-Kap 6 tal-Ligjiet ta' Malta wara li nstab hati b'sentenza tal-Qrati ta' Malta liema sentenza saret definittiva u ma tistax tinbidel.

Rat in-nota ta' rinviju ghall-gudizzju tal-Avukat Generali li permezz taghha baghat lill-imputat biex jigi gudikat minn din il-Qorti bhala Qorti ta' Gudikatura Kriminali kif mahsub taht:

1. fl-artikoli 18 u 334 tal-Kapitolu 9 tal-Ligijiet ta' Malta;
2. fl-artikoli 17, 23, 31, 49, 532A, 532B, 533 tal-Kapitolu 9 tal-Ligijiet ta' Malta.

Rat li l-imputat iddikjara li m'ghandux oggezzjoni li l-kaz jigi trattat bi procedura sommarja.

Semghet ix-xhieda.

Semghet is-sottomissjonijiet.

Rat l-atti u d-dokumenti kollha.

Ikkunsidrat

L-imputat jinsab akkuzat bir-reat ta' ricettazzjoni fil-perjodu indikat ossija f'Dicembru 2011 u fil-granet u gimghat ta' qabel u dan billi allegatament xtara prodotti biex ikun jista' jahdem bihom fid-dolceria.

Fis-sentenza fl-ismijiet **Il-Pulizija vs Peter Carabott**[1] inghad li l-principji regolaturi in tema ta' ricettazzjoni huma ben stabbiliti fil-gurisprudenza taghna. Skond il-Qorti ta' l-Appell Kriminali fis-sentenza moghtija fil-15 ta' Jannar 2009 fil-kawza **Il-Pulizija vs Darren Debono** ntqal hekk:

Illi skond il-gurisprudenza sabiex persuna tinstab hatja ta' ricettazzjoni hu mehtieg li jikkonkorru is-segwenti tlitt rekwiziti u cioe':

1. il-provenjenza llegittima tal-oggett in kwistjoni ossia li jkun insteraq, jew gie mehud b' qerq jew akkwistat b' reat iehor;

2. l-akkuzat irid ikun laqa' ghandu jew xtara tali oggett li ghandu provenjenza llegittima; w

*3. fil-mument tal-akkwist, l-akkuzat kien jaf bil-provenjenza llegittima tal-oggett in kwistjoni (ara App. Krim "**Il-Pulizija vs. Bugelli**" [24.1.1942]; "**Il-Pulizija vs. Giovanni Grima**"[25.10.2002])*

*L-element formali ta' dar-reat hu li l-akkuzat kien konsapevoli tal-provenjenza illecita tal-oggett suggett tar-ricettazzjoni. Dan ir-rekwizit jista' jigi pruvat kemm minn provi diretti kif ukoll minn provi indizjarji. Hekk fl-Appell Kriminali "**Il-Pulizija vs. John Briguglio**" [24.6.1961] (per Harding J.) kien gie ritenut li :-*

"Min jakkwista oggett taht cirkostanzi li fihom imissu jissuspetta li dak l-oggett kellu provenjenza illegittima, u ntant ma jaghmel xejn biex jikkontrolla dik il-

[1] Qorti tal-Magistrati (Malta) bhala Qorti ta' Gudikatura Kriminali deciza fil-11 ta' Settembru, 2010

provenjenza, u jaghalaq ghajnejh, huwa hati ta' din in-negligenza u kwindi ta' ricettazzjoni."

*Gie ukoll ritenut li dan l-element formali tar-reat in dizamina ikun jissussisti anki jekk l-akkuzat ikun irceva jew xtara l-oggett fil-waqt li jkollu jew inkella imissu kellu suspett li l-persuna li taghtu dak l-oggett setghet giet f'pussess ta' dak l-oggett b' mod illecitu w b' dana kollu xorta jilqa' ghandu jew jixtri tali oggett minghajr ma jaghmel xejn biex jivverifika u jaccerta ruhu li l-pussess ta' dik il-persuna l-ohra kien wiehed legittimu u mhux kif kien qed jissusspetta hu. (ara App. Krim. "**Il-Pulizija vs. J. Briguglio**" [24.6.1961]; "**Il-Pulizija vs. John Dimech**" [24.6.1961]; "**Il-Pulizija vs. George Tabone**" [24.6.1961] u "**Il-Pulizija vs. Tancred Borg**" [26.10.1998]).*

*S' intendi ix-xjenza mehtiega fir-ricettatur tirrigwarda l-provenjenza kriminuza generika u ma tirreferix ghad-dettalji specifici tar-reat principali. (Ara App. Krim. "**Il-Pulizija vs. Joseph Piscopo**" [21.3.1953]; "**Il-Pulizija vs. Nazzareno Zarb**" [16.12.1998] u ohrajn)*

Kif jghid il-KENNY:

"The knowledge: The prisoner must have received the stolen goods with knowledge then of their having been stolen. Such knowledge may be presumed prima facie if he knew of circumstances so suspicious as to convince any reasonable man that the goods had been stolen - e.g. when an unlikely vendor offers them for an unlikely price. His subsequent conduct may be evidence of such knowledge - e.g. .. selling them surreptitiously or making no written entry of having bought them."

*Illi kif qalet din il-Qorti diversament preseduta (per V. DeGaetano J., fl-Appell Kriminali : "**Il-Pulizija vs. Emanuel Seisun et**."[26.8.1998]); it-teorija Ingliza "of unlawful possession of recently stolen goods" issib ukoll applikazzjoni fis-sistema legali taghna, ghax in tema ta' "law of evidence" il-gurisprudenza taghna ssegwi hafna dik Ingliza. Din it-teorija ma hi xejn hlief l-*

applikazzjoni tal-buon sens ghal cirkostanzi partikolari li jkunu jirrizultaw pruvati, fis-sens li meta jigu ppruvati certi fatti, dawn jistghu wahedhom iwasslu ragjonevolment ghall-konkluzzjoni li persuna partikolari tkun hatja tar-reat ta' serq tal-oggetti misjuba ghandha jew, skond ic-cirkostanzi, tar-reat ta' ricettazzjoni ta' dawk l-oggetti. F'dik is-sentenza din il-Qorti ccitat mill-Archbold: Criminal Pleading, Evidence and Practice, 1997, paras. 21-125, 21-126):-

"In R. v. Smythe, 72 Cr. App. R. & C.A., the court stressed that it is a misconception to think that recent possession is a material consideration only in cases of handling: it adopted the following passage from Cross on Evidence,5th. ed., p.49 (now 8th. ed., p.35): "if someone is found in possession of goods soon after they have been missed, and he fails to give a credible explanation of the manner in which he came by them, the jury are justified in inferring that he was either the thief or else guilty of dishonestly handling the goods, knowing or believing them to have been stolen.The absence of an explanation is equally significant whether the case is being considered as one of theft or handling, but it has come into particular prominence in connection with the latter because persons found in possession of stolen goods are apt to say that they acquired them innocently from someone else. Where the only evidence is that the defendant on a charge of handling was in possession of stolen goods, a jury may infer guilty knowledge or belief (a) if he offers no explanation to account for his possession, or (b) if the jury is satisfied that the explanation he does offer is untrue."

*"Every case depends on its own facts. It would be impossible to compile a definitive list of circumstances which might be relevant. They will include, however, the time and place of the theft, the type of property stolen, the likelihood of it being sold on quickly, the circumstances of the defendant, whether he has any connection with the victim or with the place where the theft occurred, anything said by the defendant and how that fits in or does not fit in with the other available evidence." (ara ukoll f' dan is-sens :"**Il-Pulizija vs. Carmel Debono**" [1.11.1996], "**Il-Pulizija vs Richard Spiteri**" [31.8.2006] u ohrajn)."*

Illi f'sentenza moghtija mill-Qorti tal-Appelli Kriminali[2], il-Qorti studjat fil-fond din it-teorija fejn gew ikkwotati diversi awturi inglizi u saret referenza ghal gurisprudenza ingliza:

"Din il-Qorti wkoll ser tikkwota mill-ahhar edizzjoni ta' Archbold peress li hi tal-fehma li l-bran li gej jitratta bl-iktar mod konciz u preciz il-kwistjoni kollha marbuta ma' din it-teorija:

There appears to have been widespread misunderstanding of the so-called doctrine of recent possession. The rule (for it is no more than the application of common sense) is, it is submitted, that where it is proved that premises have been entered and property stolen therefrom and that very soon after the entry the defendant was found in possession of the stolen property, it is open to the jury to convict him of burglary, and the jury should be so directed:(see R. v. Loughlin, 35 Cr.App.; R. v. Seymour, 38 Cr. App. R.68.) This of course applies equally to thefts other than in the course of a burglary, whether a pickpocketing or an armed robbery.

In R.V.Symthe, 72 Cr.App R 8 C.A., the court stressed that it is a misconception to think that recent possession is a material consideration only in cases of handling: it adopted the following passage from Cross on Evidence 5th ed. *(now 8th ed.p.35): "If someone is found in possession of goods soon after they have been missed,*(sottolinjar tal-Qorti)*, and he fails to give a credible explanation of the manner in which he came by them, the jury are justified in inferring that he was either the thief or else guilty of dishonestly handling the goods, knowing or believing them to be stolen … The absence of an explanation is equally significant whether the case is being considered as one of theft or handling, but it has come into particular prominence in connection with the latter because persons found in possession of stolen goods are apt to say they acquired them innocently from someone else. Where the only evidence is that the defendant on a charge of handling was in possession of stolen goods, a jury may infer guilty knowledge or belief (a) if he offers no explanation to account for his possession, or (b) if the jury are satisfied that the explanation he does offer is untrue."*

[2] Deciza fis-26 ta' Awwissu, 1998

Every case depends on its own facts, there is no magic in any given length of time. However, it is submitted that in many cases where the only evidence is that of recent possession, it will be impossible to exclude the possibility that the defendant was merely a receiver of the stolen property: in such cases a count of burglary ought not to be left to the jury. However, that applies where recent possession is literally the only evidence. The reality, is that in the great majority of cases there are other pieces of evidence which tend to point the case one way or the other. It would be impossible to compile a definitive list of circumstances which might be relevant. They will include, however, the time and place of the theft, the type of property stolen, the likelihood of it being sold on quickly, the circumstances of the defendant, whether he has any connection with the victim or with the place where the theft occurred, anything said by the defendant and how it fits in or does not fit in with the other available evidence." (Archbold: Criminal Pleading, Evidence and Practice, 1997 paras.21-125, 21-126)."

Tornando ghall-kaz odjern, l-Ispettur Zammit[3] xehed li fil-25 ta' Jannar 2012 mar gewwa l-ghassa ta' Hal Qormi, is-sur Carmelo Camilleri, managing director tal-kumpanija Camilleri & Sons Limited fejn irrapporta li kienu sabu li naqsu xi affarijiet mill-warehouse taghhom. Gie investigat il-kazu tressqu l-Qorti jiffaccjaw akkuzi kriminali Justin Farrugia u zewg persuni ohra fejn dawn ammettew l-akkuzi migjuba fil-konfront taghhom. Justin Farrugia stqarr mal-ispettur li l-affarijiet kien qieghed ibieghhom lill-imputat u kien qallu li kien mar ghandu aktar minn 10 darbiet.

Carmel Camilleri[4] ikkonferma li sabu oggetti misuqa mill-warehouse tal-kumpanija. Meta vverifikaw ic-CCTV cameras irrizultalhom li Justin Farrugia (impjegat taghhom) flimkien ma' certu James Long dehru jghabbu affarijiet bhal-lewz, zokkor, margarine, zejt u affarijiet ohra relatati mad-dulciera. Insterqu wkoll cikkulatini, inbid, helu tal-uzin. Huwa esebixxa lista tal-oggetti li nsterqu liema lista giet immarkata bhala Dok CC1.

[3] Seduta tal-4 ta' Lulju 2012
[4] Seduta tal-4 ta' Lulju 2012

Justin Farrugia[5] xehed li kien ilu sena u nofs jahdem ma' C. Camilleri & Sons u kien jisraq mill-warehouse diversi affarijiet flimkien ma' zewg persuni ohra. Jixhed li biegh oggetti lill-imputat. jghid li l-aktar li mar kienu tlett darbiet. Uhud mill-oggetti wzahom huwa. Lill-imputat beghlu lewz u zokkor izda ma jiftakarx kemm kien biegh bhala ammont. In kontro-ezami jiftakar li lill-imputat bieghlu 3 xkejjer zokkor u wahda lewz. Huwa xehed li kellem lill-imputat darba biss. Id-drabi l-ohra billi l-imputat kien man-nies baghat lil huh. Huwa kien bieghlu l-oggetti b'nofs prezz.

L-imputat xehed f'dawn il-proceduri[6] li huwa jahdem mal-Braun Confectionery u jmexxi l-kumpanija flimkien ma' zewg hutu. Jixhed li huwa kellem lil Justin Farrugia darba. Dan kien mar staqsa lil-lavrant min kien l-imghallem u sab lill-imputat. Farrugia qallu li kien dulcimer u li kellu xkora lewz u 3 zokkor. L-ixkejjer taz-zokkor kienu tal-25 kgs il-wahda u kellu wkoll tank ghazel. Jixhed li tah €10 il-wahda z-zokkor, €60 il-lewz u €20 l-ghasel. L-affarijiet hadimhom. Qarr ma rega' kellem lil Farrugia. Darb'ohra Farrugia rega' mar, kien hemm hu l-imputat u qallu li kien hemm zewg persuni hadlu 4 zokkor u xkora lewz. In kontro-ezami xehed li tal-prodotti li xtara ma tax ricevuta. Huwa kien jaf kemm il-prezz originali tal-prodotti. Huwa xehed li ma jafx jaqra u jichad li xtara zejt u sponge mix.

L-imputat irrilaxxja wkoll stqarrija. Qabel ma' l-Qorti tinoltra ruhu dwar x'kien qal l-imputat fl-istqarrija jehtieg li tigi sorvolata kwistjoni sollevata mid-difiza. Waqt it-trattazzjoni d-difiza ssottomettiet li l-imputat ma jafx jaqra u jikteb u dan inghad b'referenza ghall-istqarrija. L-imputat ikkonferma dan bil-gurament. Din il-Qorti ma tqisx li ghandha tiskarta l-istqarrija minhabba f'hekk. Fl-ewwel lok, fl-istess stqarrija jinghad li din inqrat lill-imputat u l-imputat ghazel li jiffirmaha u kkonferma l-firma tieghu meta ddepona. Fit-tieni lok, l-istess imputat ghazel li jixhed f'dawn il-proceduri fejn ikkonferma li xtara prodotti bhal-lewz, zokkor u tank ghasel u kkonferma wkoll li l-persuna li bieghitlu w allura hemm anki s-serhan tal-mohh li l-istqarrija tirrifletti dak li verament ntqal. Fit-tielet lok, l-imputat waqt ix-xhieda tieghu

[5] Seduta tat-2 ta' Marzu 2015 – il-Qorti hadet konjizzjoni biss ta' din ix-xhieda billi ma kinitx giet ezentata milli terga' tisma' x-xhieda tieghu u dan billi l-Magistrat li kienet qeghda tippresjedi l-kaz giet elevate u bdiet tisma' l-kaz il-Magistrat sedenti.
[6] Seduta tal-4 ta' Mejju 2015

xehed li inkwantu ghall-ammonti msemmija fl-istqarrija huwa seta' qalhom imma ma jiftakarx.

Ghalhekk b'referenza ghall-istess stqarrija, l-imputat kien stqarr li kien imur persuna ghandu li jahdem bhala dulcier ma' C. Camilleri & Sons. Jistqarr li minghand din il-persuna xtara 5 xkejjer zokkor u xkora lewz. Qal ukoll li darb'ohra xtara, zejt, tank ghasel, cake u sponge-mix u wahda kannella. Spjega li z-zokkor kien jixtrih €15 minflok €23, lewz €60 minflok €120. Iz-zejt hadu xi €20 minflok €29 jew €30. Il-cake u l-isponge mix hallsu madwar €20. Il-persuna kienet tkun b'karozza zghira biex ibiegh. Ircevuti m'ghandux. Huwa kompla li ma kienx jaf minn fejn din il-persuna gab l-affarijiet izda kien jaf li kien jahdem ma' Camilleri tal-helu. Mistoqsi jekk kellux hsieb li dawn l-oggetti kienu gejjin mis-serq, l-imputat wiegeb li iva kellu dak il-hsieb izda ma kellux idea minn fejn. L-imputat ighid li xtara zgur darbtejn minghand din il-persuna. Huwa qal ukoll lil din il-persuna li jekk ikollu xi affarijiet ohra kien jixtrihom. Il-prodotti li xtara minghand Justin hadimhom f'siegha u nofs jew saghtejn. Ighid li lil Justin tah zgur xi €350 u darb'ohra xi haga fuq l-€400. Jista' jkun hemm aktar. Mhux zgur tah €1,200. Farrugia ma marx aktar minn 4 darbiet. Minghalih mar biss fix-xahar ta' Novembru u forsi l-ewwel gimgha tax-xahar ta' Dicembru.

Abbazi tal-provi prodotti rrizulta ghalhekk li l-parte civile insterqet fuq perjodu ta' xhur minn impjegati taghha stess. Justin Farrugia, li hadem mal-kumpanija inkwistjoni, xehed li huwa seraq diversi oggetti minn fuq il-post tax-xoghol tieghu li kienu jinkludu lewz, zokkor, inbid, helu ghall-uzu personali tieghu. L-istess Justin Farrugia jikkonferma li biegh minn dawn il-prodotti li huwa seraq lill-imputat. Huwa minnu li kif issottomettiet id-difiza li ma nstabu ebda prodotti li nsterqu minghand C. Camilleri & Sons ghand l-imputat izda dan ma jwassalx necessarjament ghal-liberatorja kif qeghda tippretendi d-difiza. Dan ghaliex l-istess Farrugia kkonferma li biegh lill-imputat u l-istess imputat fuq il-pedana tax-xhieda jikkonferma li xtara minghand l-istess Farrugia. Inkwantu ghax-xjenza l-istess imputat fl-istqarrija jghid li ma kienx jaf minn fejn kienu gejjin il-prodotti imma kellu hsieb li kienu gejjin minn serq. Inoltre' meta xehed viva voce l-imputat qal l-ammont li

hallas ghal dawn il-prodotti li huwa xtara. Mill-prezzijiet biss li hallas hemm indikazzjoni cara li kien jaf li l-provenjenza taghhom kienet illecita in vista li l-ammont li hallas kien ferm anqas mill-prezzijiet li solitament jinbieghu dawn il-prodotti. Bhala dulcier l-imputat jaf il-prezz ta' dawn il-prodotti u kwindi ma jistax ikun li ma basarx l-illecita' tal-provenjenza. Inoltre' anki l-mod ta' kif sar il-bejgh ossija li tigi persuna li tbiegh minn karozza zghira u skambju ta' ircevuti lanqas ma kien hemm. Inoltre' l-imputat fl-istqarrija tieghu jghid li l-prodotti mixtrija kien jahdimhom fi zmien siegha u nofs jew saghtejn u dan proprju huwa indikattiv ta' kemm l-imputat kien jaf li l-prodotti kienu misruqa.

Ghalhekk li l-imputat wettaq ir-reat ta' ricettazzjoni jirrizulta u gie ppruvat oltre d-dubbju dettat mir-raguni.

Il-kwistjoni li fadal li tigi trattata f'dan l-istadju huwa l-ammont involut li gie ricettat. Fl-imputazzjoni l-imputat gie akkuzat li rricetta oggetti li l-valur taghhom jeccedi l-ammont ta' €2329.37. Il-parte civile pprezenta lista[7] li tirreferi mhux biss ghall-prodott relatati ma' dulciera u inkwantu ghalhekk ghal dawk il-prodotti dawn mhux se jittiehdu in kunsiderazzjoni billi rrizulta li l-imputat ma kellu x'jaqsam xejn maghhom. Inkwantu ghall-prodotti relatati ma' xoghol ta' dulcier il-lista tindika l-kwantita' ta' prodotti li l-parte civile ssostni li giet misruqa b'indikazzjoni tal-valur tal-istess liema valur huwa ta' €8,937.75. Izda mill-provi prodotti l-Qorti ma tqisx li gie ppruvat fl-ewwel lok li l-prodotti indikati fil-lista kienu fil-fatt misruqa minn Justin Farrugia ghaliex il-lista hija ntitolata 'discrepancy report' u meta xehed l-istess Farrugia ma saritx referenza ghaliha lilu; u fit-tieni lok lanqas ma gie ppruvat li l-imputat fil-fatt xtara l-oggetti kollha li nsterqu minn Farrugia u shabu. Anzi mix-xhieda tal-istess Farrugia jinghad li kien ilu xhur jisraq prodotti izda jghid li mar ghand l-imputat tlett darbiet l-aktar. Meta jittiehed in kunsiderazzjoni li huwa kien ibiegh b'karozza zghira ma jistax ikun li l-prodotti kollha li qed jigi sostnut li nsterqu inbieghu kollha f'dawk it-tlett darbiet. L-imputat min-naha tieghu stqarr li Farrugia mar ghandu madwar erba' darbiet u l-istess ragunament japplika. L-imputat meta xehed ighid li lil Farrugia kellmu biss darba u l-bqija xtara huh. Kif qal Farrugia stess l-imputat ma kellmux f'dawk l-

[7] Dok CC1 a fol 21 tal-process et seq

istanzi ghax kellu n-nies u baghat lil huh u kwindi l-imputat xorta wahda ghandu jirrispondi ghal eghmilu. Abbazi ta' dak li stqarr l-istess imputat lil Farrugia ma tahx aktar minn €1,200 izda l-ammont preciz baqa' ma rrizultax. Farrugia min-naha tieghu xehed li kien ibiegh il-prodotti daqs nofs il-prezz taghhom. Abbazi ta' dawn il-prodotti filwaqt li l-Qorti tqis li gie ppruvat l-aggravju tal-valur billi m'hemmx dubju li l-valur tal-prodotti ricettati kien jaqbez l-ammont ta' €232.94 izda m'hemmx prova li l-valur ecceda l-ammont ta' €2329.37.

Inkwantu ghall-addebitu tar-recediva fit-termini tal-artikolu 49 tal-Kodici Kriminali dan gie ppruvat billi giet prezentata vera kopja tas-sentenza moghtija fil-konfront tal-imputat (il-karta tal-identita' hija l-istess bhal dik tal-imputat odjern) fit-3 ta' Lulju 2006.

Inkwantu ghall-piena din il-Qorti qeghda tiehu in kunsiderazzjoni n-natura tar-reat li tieghu qieghed jinstab hati l-imputat, ic-cirkostanzi tal-kaz u l-fedina penali tal-imputat li mhix wahda allarmanti. Tqis ghalhekk li m'ghandhix tigi imposta sentenza ta' prigunerija effettiva izda wahda li ghandha tigi sospiza. Tqis ukoll li ghandha tordna lill-hati jhallas ammont ta' flus lill-parte civile sabiex dan tal-ahhar jigi kkumpensat u l-ammont li se jigi ordnat jithallas huwa abbazi ta' dak li l-istess imputat stqarr u billi rrizulta li bejn wiehed u iehor kien jithallas nofs il-valur tal-prezz tal-oggett.

Ghal dawn il-motivi l-Qorti wara li rat l-artikoli 18, 49, 279(a) u 334(a) tal-Kapitolu 9 tal-Ligijiet ta' Malta issib lill-imputat hati tar-reat ta' ricettazzjoni ta' oggetti misruqa li l-valur taghhom ma jeccedix l-ammont ta' €2329.37 u ghalhekk tikkundannah ghal sena (1) prigunerija li bl-applikazzjoni tal-artikolu 28A tal-Kapitolu 9 tal-Ligjiet ta' Malta qeghdin jigu sospizi ghal zmien sentejn (2) millum.

Inoltre′ bl-applikazzjoni tal-artikolu 28H tal-Kapitolu 9 tal-Ligijiet ta′ Malta tordna lill-hati jhallas l-ammont ta′ erba′ mija u hamsin euro (€450)[8] lil C. Camilleri & Sons (Catering) Ltd fi zmien xahrejn (2) millum.

Il-Qorti spjegat lill-hati bi kliem car u li jinftiehem il-konsegwenzi jekk iwettaq reat iehor waqt il-perjodu operattiv ta′ din is-sentenza.

Dr Josette Demicoli LL.D

Magistrat

[8] rapprezentantu 5 xkejjer zokkor, xkora lewz, zejt, tank ghazel, kannella, cake u sponge mix