



**COURT OF MAGISTRATES (GOZO)
AS A COURT OF CRIMINAL JUDICATURE**

**Magistrate Dr. Joseph Mifsud B.A. (Legal & Int. Rel.),
B.A. (Hons), M.A. (European), LL.D.**

**The Police
(Inspector Edel Mary Camilleri)**

vs.

**Akaki Shengelia
Valeriani Shengelia**

Number: 72/2016

Today 22nd of November 2016

The Court,

Having seen the charges brought against **Akaki Shengelia**, of fifty four (54) years son of Simon and Nora born in Kutaisi Georgia of Georgian nationality, born on the 17th Novemeber 1961, residing no fixed address, holder of Georgian passport number 15BA 24903, without Maltese I.D. card, and Valeriani Shengelia of thirty one (31) years son of Akaki and Elisa born in Kutaisi Georgia of Georgia nationality born on the 29th November 1984, residing no fixed address, somewhere in St Julians, holder of no documents, charged with having;

On the 7th November 2016 at about 11.00hrs in Ghajnsielem, Gozo, attempted to commit a crime, which was not completed in consequence

of some accidental cause independent of their will, and this in terms of article 41 (1) (a) of Chapter 9 of the Laws of Malta;

And also for having on the 24th October 2016, at about 11.00 hrs in Ghajnsielem, Gozo, they have committed theft from private residence to the detriment of Rita Camilleri and others, of which theft is aggravated by means, value, place and violence as they presented themselves unarmed in a number of two or more. And this in violation of Articles 261 (b) (c) (e), 263 (a), 267, 269 (g) and 262 (1) (b) of Chapter 9 of the Laws of Malta;

And also for having on the 24th October 2016, at about 11.00 hrs in Ghajnsielem, Gozo, wilfully committed any spoil, damage or injury to or upon any movable or immovable property belonging to any other person, and this to the detriment of Rita Camilleri and others for the amount which exceeds 250 euro but not exceeding 2,500 euro. And this in violation of Article 325 (b) of Chapter 9 of the Laws of Malta;

For having on the 31st August 2016 in Ghajnsielem, Gozo at about 10.45 hrs committed theft from private residence to the detriment of Simon Zammit and others, of which theft is aggravated by means, value, place and violence as they presented themselves unarmed in a number of two or more. And this in violation of Articles 261 (b),(c),(e) 263 (a), 267, 269 (g) and 262 (1) (b) of Chapter 9 of the Laws of Malta;

And also for having on the 31st August 2016, at about 10.45 hrs in Ghajnsielem, Gozo wilfully committed any spoil, damage or injury to or upon any movable or immovable property belonging to any other person, and this to the detriment of Simon Zammit and others for the amount which does not exceed 250 euro. And this in violation of Article 325 (c) of Chapter 9 of the Laws of Malta.

The Court was humbly requested that apart from applying the punishment established by Law, orders that the accused Akaki Shengelia and Valeriani Shengelia pay the relative fees in the appointment of court experts in accordance to article 533 of Chapter 9 of the Laws of Malta.

Having heard, during the sitting of the 22nd. November 2016 (*a fol. 33 et seq.*), the accused Akaki Shengelia and Valeriani Shengelia plead guilty

to all the charges brought against them, notwithstanding the fact that the Court in terms of Section 453(1) of Chapter 9 of the Laws of Malta warned them in the most solemn manner of the legal consequences of their guilty plea after having given them sufficient time within which to reconsider and withdraw their guilty plea.

Having seen the documents exhibited and all the acts of the proceedings.

Having heard submissions by the parties, all agreeing on the punishment to be meted out to the accused;

Considers;

That in view of the guilty plea to the charge brought against them, and since there is no reason emanating from these proceedings why this Court should not accept such plea, it is the duty of this Court to proceed with judgement and declare the accused guilty as charged.

In the context of punishment to be meted out to the accused, the Court is taking into consideration the following factors namely that the accused cooperated with the police and that the accused pleaded guilty to the charge at the earliest opportunity in these proceedings.

Decide:

Therefore, the Court, for the above mentioned reasons and after having seen the Articles 41 (1) (a), 261 (b) (c) (e), 263 (a), 267, 269 (g) and 262 (1) (b), 325 (b) and 325 (c) of Chapter 9 of the Laws of Malta, finds both the accused guilty of all the charges brought against them and condemns Akaki Shengelia to twenty (20) months imprisonment and Valeriani Shengelia to fifteen (15) months imprisonment.

The Court orders that a copy of the acts together with the judgement be notified to the Attorney General.

Dr. Joseph Mifsud
Magistrate