Court of Magistrates (Malta)
As a Court of Criminal Judicature

Magistrate Dr. Donatella M. Frendo Dimech LL.D., Mag. Jur. (Int. Law)

**The Police
(Inspector Elliott Magro)**

-vs-

Gurpreet Sohal, holder of Indian Passport bearing number K9313401

Criminal Inquiry No.: 488/2017

Today, the 1st day of November, 2017

The Court,

Having seen the charges brought against the accused **Gurpreet Sohal** for having:

> On the 31st Otober, 2017, at about 12.15 in afternoon, in Marsa, committed theft of a mobile phone of make *LG Nexus* to the detriment of Caludia Marina Conti and/or other persons;
>
> and also on the same date, time and place having been in possession of a knife or cutting or pointed instrument outside any premises or appurtenance without a license or permit from the Commissioner of Police.

Having seen the Attorney General's consent so that this case be tried summarily and having heard the accused declare that he has no objection that the case be so tried.

Having heard the accused plead guilty to the charges brought against him notwithstanding the fact that the Court warned him in the most solemn manner of the legal consequences of his guilty plea, after having given him sufficient time within which to reconsider and withdraw his guilty plea;

Having heard witnesses.

Having seen all the acts and documents exhibited;

Having heard the prosecution and defence counsel make their submissions;

Considers:
Having heard the guilty plea of the accused to the charges brought against him, the Court has no alternative but to declare the accused guilty of all the charges brought against him.

With regards to punishment the Court took into consideration the fact that the accused pleaded guilty at a very early stage of the proceedings, the nature of the offences with which he stands charged, his clean criminal record and all the circumstances of the case.

For the said reasons, the Court, after having seen articles 17, 31, 261(c), 267 and 279(a) of the Criminal Code, upon his admission, finds the accused guilty of the charges brought against him and condemns him to six (6) months imprisonment which, by virtue of article 28A of Chapter IX of the Laws of Malta, are being suspended for a period of sixteen (16) months and to a fine, *multa*, of €116.46.

Orders the Registrar of Courts to ensure that, in terms of Article 23 of the Criminal Code, the knife exhibited in these proceedings be confiscated.

The Court explained to the accused, in ordinary language, the consequences should he chose to commit another offence within the operative period of sixteen months.

It would be amiss for the Court if it fails to to condemn the fact that notwithstanding, as attested by the prosecuting officer himself, the accused was allegedly assaulted by 3 persons who fled the scene upon arrival of Rapid Intervention Officers, no investigation into the said assault was carried out nor any apparent effort made to apprehend the persons fleeing the scene upon Sohal's arrest.

It is the duty of the Police to prevent and detect all crimes without distinction. <u>No-one deserves to be ill-treated nor is there a place for vigilante justice</u>! The crime committed by the accused is by far over-shadowed by aggression he suffered.

Consequently, the Court is ordering the Commissioner of Police to <u>immediately</u> initiate investigations into the assault which rendered the accused also a victim of a crime.

Furthermore, the Court is ordering the Police to ensure that accused recieves medical treatment for the injuries sustained without delay.

In view of the fact that the accused is now a victim of an offence himself, and taking cogniscance of the provisions of the Victims of Crime Act, Chapter 539 of the Laws of Malta, solicits the Principal Immigration Officer to allow the accused to continue to reside in Malta until such time as investigations and any eventual prosecution are concluded.

Court orders a copy of this judgement to be delivered to the Commissioner of Police and Victim Support Malta.

Dr Donatella M. Frendo Dimech LL.D., Mag. Jur. (Int. Law).
Magistrate