



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

MAGISTRATE DR. MARSE-ANN FARRUGIA LL.D.

Today Wednesday 26th June, 2019

**The Police
(Inspector Clayton Camilleri)**

vs

**Milan Dereban and
Marko Marjanovic**

The Court,

Saw the charges brought against Milan Dereban, s/o Jakim and Penka, b/a Skopje Macedonia on the 11/03/1992 and residing at The Edge Crt, Blk C, Fl 8, Triq Censu Tanti, San Pawl il-Bahar, Malta, holder of Maltese I.D. Card No. 195189(A)

and

Marko Marjanovic s/o Dejan and Gordana, b/a Serbia on the 0/01/1990, residing at Triq San Publiju, San Pawl il-Bahar, Malta, holder of Maltese I.D. Card No. 166820(A)

Charged of having:

In the months between January and June 2019, with several acts committed by the offenders, during different times and that constitute to violations of the same provision of the law and in pursuance of the same design, from *Munchies Restaurant* situated in Golden Bay in Mellieha,

committed the theft cash aggravated by value and person, in breach of Article 18, 267 & 268 of Chapter 9 of the Laws of Malta.

The Court saw the consent of the Attorney General for the proceedings against both accused to be dealt with summarily, and heard both accused declare that they had no objection that their case be dealt with summarily.

The Court heard the evidence and saw all the records of the case and the documents exhibited;

Both the accused pleaded guilty to the charge brought against them.

The Court warned both the accused about the seriousness of the charge brought against them, and particularly that the maximum punishment for this charge is five (5) years imprisonment and suspended the proceedings so that both the accused could consult their defence counsel to see if they wanted to retract their guilty plea.

When the case was called again, the court asked both the accused whether they had enough time to consult their lawyer and they replied in the affirmative, and when the court asked them if they want to confirm their guilty plea, they declared that they confirm their guilty plea.

The Court heard the oral submissions by the parties regarding the punishment.

The Court considered that:

From the evidence brought forward and from the guilty plea filed by both the accused themselves, the Court concludes that both the accused are guilty of the charge laid against them.

As regards the punishment, the Court took into consideration the fact that the accused admitted to the charges at a very early stage of the proceedings, they co-operated with the Police and that during the oral submissions the Prosecuting Officer declared that the victim was refunded the money stolen by the accused.

The Prosecuting Officer did not exhibit the criminal record of the accused, although from their statements it results that they have been in Malta since May 2018. Consequently, the Court has to give the benefit of the doubt to the accused and consider that they have a clean criminal record.

Although the accused have been found guilty of a continuous offence and hence the punishment has to be increased by one or two degrees in terms of Article 18 of the Criminal Code, this is neutralised by the fact that the accused refunded to the victim the money they stole from him prior to the commencement of these proceedings, and hence the punishment has to be reduced by two degrees in terms of Article 337(2)(b)(i) of the same Code.

Conclusion

The Court, after seeing Articles 18, 261(c) and (d), 267, 268, 279(a), 280(1), 20 and 337(2)(b)(i) of Chapter 9 of the Laws of Malta, finds both the accused guilty as charged, and condemns them to one (1) year imprisonment, but in the light of the considerations above-mentioned, this term of imprisonment is being suspended for a period of three (3) years from to-day, in terms of Section 28A(1) of Chapter 9.

In accordance with Sections 28A(4) of Chapter 9 of the Laws of Malta, the Court explained in clear and simple language the meaning of this judgement to the offenders, and the consequences which would follow if they fail to abide by it, that is if they commit another offence which is punishable by imprisonment within the operative period.

Magistrate

Robert Bugeja
Deputy Registrar