



MALTA

**IN THE COURT OF MAGISTRATES (MALTA)
AS COURT OF CRIMINAL JUDICATURE**

**MAGISTRATE
DR. CHARMAINE GALEA**

Today 12th of June 2020

Case number 254/2020 CG

**The Police
(Inspector Joseph Xerri)**

vs.

**Lubos Kostial (ID: 29559A)
Goran Boshevski (Macedonian ID: A1610823)**

The Court:

Having seen that the offenders **Lubos Kostial and Goran Boshevski** were charged with having on the tenth (10) of June 2020 at around quarter to midnight (2345hrs) and the previous hours in various area of San Giljan:-

1. Committed theft of a mobile phone at the detriment of Albdoul Mishael Eid Ali and/or other persons, which theft is aggravated by 'value' and 'time';
2. In any public place or place open to the public, was found drunk and incapable of taking care of himself;

Lubos Kostial on his own was charged with having on the same date, place, time and circumstances:

3. Carried outside any premises or appurtenance thereof, a knife or cutting or pointed instrument of any description without a licence or permit from the Commissioner of Police;

Further accused for having on the tenth (10) of June 2020 and the previous months in these islands:

4. Lead an idle and vagrant life;

Lubos Kostial was also accused on his own for having on the twenty fourth (24) of September 2019, at around half past three in the morning (0330hrs) inside the Rainbow Bar, Triq il-Korp tal-Pijunieri in San Pawl il-Bahar:-

5. Committed theft of a mobile phone at the detriment of Sara Slikova and/or other persons, which theft is aggravated by 'value' and 'time';

The Court was requested that in case of guilt, apart from applying the punishment according to Law, to apply Section 533(1) of Chapter 9 of the Laws of Malta, as regards to the expenses incurred by the Court appointed experts.

After having seen all the records of the case;

After having heard the offenders plead guilty to the charges at an early stage of the proceedings, which guilty pleas were confirmed by the same offenders after the Court, in terms of section 453 (1) of Chapter 9 of the Laws of Malta, warned them of the legal consequences of their guilty pleas, and allowed them sufficient time to re-consider their reply, and to change it;

After having heard the oral submissions on the punishment;

Considered that:

From the evidence brought forward and from the guilty pleas registered by the offenders themselves, the Court concludes that the offenders are guilty of the charges laid against them.

As regards the punishment, the Court took into consideration the fact that the offenders admitted to the charges at a very early stage of the proceedings and that they co-operated with the police.

DECIDE

For these reasons the Court after having seen section 261 (c) and (f), 267, 270, 279 (a), 280 (1), 281 (1) (a) and 338 (ff) and (w) of Chapter 9 of the Laws of Malta and sections 6 and 51 (7) of Chapter 480 of the Laws of Malta, on their admission finds offenders **Lubos Kostial u Goran Boshevski** guilty of all the charges brought against them and condemns:

1. Lubos Kostia to twenty-two (22) months imprisonment which by application of section 28A (1) of Chapter 9 of the Laws of Malta are being suspended for a period of three (3) years from today and to a fine (multa) of one hundred and sixteen euro and forty-seven cents (€116.47);

2. Goran Boshevski to sixteen (16) months imprisonment which by application of section 28A (1) of Chapter 9 of the Laws of Malta are being suspended for a period of three (3) years from today.

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.

Finally, the Court orders the confiscation of the knife exhibited today and marked as Document JX15.

Dr. Charmaine Galea
Magistrate

Diane Gatt
Deputy Registrar