



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

Magistrate Dr Leonard Caruana LL.D (Melit.) M.A. (Fin. Serv.)

Today, the 28th August 2023

The Police
(Inspector Clayton Camilleri)
(Inspector Andrew Agius)

Vs

Kiro Trajkovski
(Identity Card number 216070A)

The Court,

Having seen the charges brought against:

Kiro Trajkovski of 37 years, son of Alexander and Stanka nee' Stojanovic, born in Macedonia on the 19th February 1991, resident at 34, Smart Hostile, Triq Il-Gummur, Birkirkara, and holder of identity card number 216070A and charged with having on the 26th August 2023 at 19:15hrs in the evening at The Convenience Shop, Triq Tal- Qattus, Birkirkara:

1. committed theft of food and beverages, to the detriment of Jacklyn Rodriguez Blas and/or of another person/s, and/or other entities, which theft is aggravated by violence, confinement of person and place, which amount does not exceed two hundred and thirty-two euro and ninety-four cents (€232.94);
2. and also for having on the same date, place, time and circumstances without intent to steal or to cause any wrongful damage, but only in the exercise of a pretended right, of their own authority, compelled Jacklyn Rodriguez Blas to pay a debt, or to fulfil any obligation whatsoever, or disturbed the possession of anything enjoyed by Jacklyn Rodriguez Blas, or demolished buildings, or diverted or took possession of any water-course, or in any other manner unlawfully interfered with the property of another person;
3. and also, with having on the same date, time, place and circumstances, in these islands carrying a sharp and pointed instrument without a license and permission from the Commissioner of Police;
4. moreover, with having on the same date, time, place and circumstances, uttered insults or threats not otherwise provided for in this Code, or being provoked, carried his insult beyond the limit warranted by the provocation;
5. and finally, with having on the same date, time, place and circumstances, wilfully disturbed the public good order or the public peace;

The Prosecution requested the Court that in case of guilt besides the punishment, the said persons will be ordered to pay for all the expenses of experts, as stated in Article 533 of Chapter 9 of the Laws of Malta.

The Court was also requested, with the scope of ensuring the safety of Jacklyn Rodriguez Blas and that of Gabriel Vidal or to ensure public order or for the scope of protecting the mentioned person/s and their family/ies from harassment or behaviour which may cause fear of violence, to issue a protection order against the accused in accordance to Article 412C of Chapter 9 of the Laws of Malta, and if a guilty verdict is handed, the Court is humbly requested to provide for the security of the injured person and her family in accordance with Articles 382A, 383, 384, 385, and 412D of Chapter 9 of the Laws of Malta.

Having seen that during today's sitting both **Kiro Trajkovski** registered a guilty plea and admitted to all the charges brought against him and, with the application of Article 392A(1) and Article 453(1) of the Criminal Code, Chapter 9 of the Laws of Malta, the Court warned him in the most solemn manner about the legal consequences of their admission, and afforded them a period of time to reconsider their guilty plea.

Having seen that after being given enough time, the accused confirmed his guilty plea;

Having seen all the documents submitted by the Prosecuting officer under oath;

Having heard the oral submissions made by the prosecution and defence council in regard to the punishment that ought to be awarded to the accused.

Considered: -

That in this case, the accused entered the premises where the offence was committed, picked up 2 drinks and proceeded to go to the check-out counter. On his person he was carrying a knife which he hid in his sleeve. Once at the counter, he requested the cashier not to charge him for the drinks and to give him the money in the till. She refused to give him the money and the accused fled from the scene with the unpaid drinks. The police were informed about this incident and went on site and were given a description of the accused. Upon a search at the area, they found the accused waiting at a bus stop. They apprehended him immediately.

The Court heard that the accused co-operated with the police officers and that the *res furtiva* was minimal.

In regard to the punishment, the Court is taking account of his early guilty plea and his co-operation with the investigative authorities. On the other hand, the Court cannot take these offences lightly, especially since they pose a risk to good order of society and put shopkeepers and their employees at risk. The accused has a clean criminal record and this is the first time he had a brush with the law in Malta.

Decide:

Therefore, on the basis of the above, the Court after having seen Articles 261(a), 262(a)(b), 267, 275, 338(dd), 339(1)(e), 533 of Cap. 9 of the Laws of Malta and Articles 6,51(7) and 55(a) of Cap. 480 of the Laws of Malta, and after hearing the voluntary and unconditional admission of the accused, finds **Kiro Trajkovski guilty** of all charges brought against him and condemns him to **one (1) year** imprisonment which, with the application of Article 28A of

Chapter 9 of the Laws of Malta, shall not take effect unless during a period three (3) years, to be reckoned from today, he commits another offence punishable with imprisonment;

In accordance with Article 28A(4) of Chapter 9 of the laws of Malta, the court explained to the offender in ordinary language his liability under article 28B if during the operational period of this judgement he commits an offence punishable with imprisonment.

Furthermore, the Court is ordering the destruction of the knife presented by the prosecution, given that this constitutes the *corpus delicti* of the offence.

Finally, given that there were no experts appointed in this case, the Court is abstaining from applying Article 533 of the Criminal Code.

**Dr. Leonard Caruana LL.D., M.A. (Fin. Serv).
Magistrate**

**Sharonne Borg
Deputy Registrar**