



COURT OF MAGISTRATES (MALTA)
AS A COURT OF CRIMINAL JUDICATURE
Magistrate Dr Astrid May Grima B.A. LL.D. Adv. Trib. Eccles. Melit.

Today, 5th October 2023

Case no. 607/2023

Police
(Inspector Ian Vella)

vs

Jabi Abubaker
(Gambian Passport no. PC 676524)

The Court,

After having seen the charges brought against **Jabi Abubaker**, holder of Gambian Passport No. PC676524, being charged with:

1. Having on the 27th July 2023 in 45, Darren Apartments, Flt 3, Imsida Street, Santa Venera and also in these islands, committed theft of money which value exceeds two thousand and three hundred and twenty-nine euro and thirty-seven cents (€2,329.37) to the detriment of Sheikh Sarr, Mamoudou Kagny and Ceesay Sulayman, which theft is considered as aggravated by the means, value and place and this is in violation of the Articles 261 (b), 261 (c), 261 (e), 263 (a), 264 (1), 266 (1), 267, 269 (g), 278 (1), 278 (2), 278 (3), 279 (b), 280(1) u 281 (a) of the Criminal Code of the Laws of Malta.
2. Also that on the 27th July 2023 wilfully committed any spoil, damage or injury to or upon any movable or immovable inside the property 45, Darren Apartments, Flt 3, Imsida Street, Santa Venera belonging to Daren Grima which amount of damages does not exceed two thousand and five hundred euro (€2,500) but exceeds two hundred and fifty euro (€250) and this is in violation of the articles 325(1)(b) of the Criminal Code of the Laws of Malta.
3. Also that between the 27th July 2023 and 6th August 2023 he led an idle and vagrant life in violation of article 338 (w) of the Chapter 9 of the Laws of Malta;

The Court is kindly requested that in addition to inflicting the punishment established by the Law, if it deems fit to provide for the safety of Sheikh Sarr, Mamoudou Kagny, Ceesay Sulayman, Ibrahima Diassy and Daren Grima or any other individuals to maintain public order, or for the purpose of their protection from harassment or other behaviour that causes fear of violence and this according to article 412C of Chapter 9 of the laws of Malta.

The Court is kindly requested that in addition to inflicting the punishment established by the Law, if it deems it appropriate to provide for the safety of Sheikh Sarr, Mamoudou Kagny, Ceesay Sulayman, Ibrahima Diassy and Daren Grima by making an Order of Restrain against the defendant and this in accordance with article 382A of Chapter 9 of the laws of Malta.

The Court is also requested to apply Section 533(1) of Chapter 9 of the Laws of Malta, with regards to the expenses incurred by the Court appointed Experts.

Having seen all the documents presented in the acts of the proceedings.

Having seen that the accused registered a guilty plea to all the charges brought against him during the sitting of the 15th September 2023.

Having heard the submissions of both parties regarding the punishment.

Considered

Whereas during the sitting held on the 15th of September 2023, in the presence of his Lawyer, the accused pleaded guilty to all 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, and after having given him sufficient time within which to reconsider and withdraw his guilty plea.

Having heard the accused reiterate his guilty plea, after the court warned him of the punishment and consequences such an admission entailed.

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

Considered

The guilty plea of the accused at the initial stages of these proceedings and his clean conviction sheet.

Decide

For the said reasons the Court, after having seen Article 7, 31, 261(b)(c)(e), 263(a), 264(1), 266(1), 267, 269(g), 278(3), 279(b), 280(1), 281(a), 325(1)(b) and 338(w) of Chapter 9 of the Laws of Malta, **finds the accused Jabi Abubaker guilty** of the charges brought against him, **and condemns him to two (2) years imprisonment**, whereas by application of **Article 28A** of Chapter 9 of the Laws of Malta, **this term of imprisonment is being suspended for the period of three (3) years** starting from today.

In terms of **Article 28H(1)** of Chapter 9 of the Laws of Malta, the Court is ordering the offender to make restitution to the injured parties **Sheikh Sarr, Mamoudou Kagny and Ceesay Sulayman** the amount of five thousand and Five Hundred Euros (**€5,500.00**), and to **Daren Grima** the amount of one thousand three hundred and sixty two Euros (**€1,362.00**) **and by application of Article 28H(2) of Chapter 9 of the Laws of Malta**, the accused is being given **6 months** for the restitution of the said amount.

In accordance with **Article 28A(4)** of Chapter 9 of the Laws of Malta, the Court explained to the accused in plain language his liability under **Article 28B** of Chapter 9 of the Laws of Malta, if during the operational period of this suspended sentence he commits an offence punishable with imprisonment.

Also in terms of **Article 412C** of Chapter 9 of the Laws of Malta, the Court is issuing a **Protection Order** against the offender **Jabi Abubaker** for a period of **two (2) years** from today for the protection of **Sheikh Sarr, Mamoudou Kagny and Ceesay Sulayman, Ibrahima Diassy and Daren Grima**. The Court explained to the offender **Jabi Abubaker** in plain language, his liabilities according to the conditions imposed by the

Protection Order, which decree is being attached to this judgement, also forming an integral part of the same judgement.

The Court is ordering that a copy of this Judgement together with the Protection Order Decree is notified to the Commissioner of Police.

The Court is also ordering that in accordance with Article 392A(2) of Chapter 9 of the Laws of Malta, the Attorney General is given access to a scanned copy of the Acts of the Proceedings together with a scanned copy of the Judgement within six (6) working days.

Dr. Astrid May Grima B.A. LL.D. Adv. Trib. Eccles. Melit.
Magistrate