



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

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

Today, the 25th March, 2024

Criminal Proceedings No. 146/2022

The Republic of Malta

-vs-

Ilia Tusishvili, holder of passport number 20AA16401

The Court,

Having seen the charges brought against the person charged **Ilia Tusishvili** who is being charged with having:

On the twentieth (20th) of February of the year two thousand twenty-four (2024), sometime between seven (07:00) in the morning and ten (10:00) in the morning, committed theft of money and / or other objects from inside a vehicle of the make Toyota with the registration number IBW 853 at Triq il-Kappella tax-Xagħra, Naxxar and / or any other area in the Maltese Islands, which theft is aggravated by amount that exceeds two hundred thirty two euros and ninety-four cents (€232.94) but does not exceed two thousand, three hundred twenty-nine euros and thirty-seven cents (€2,329.37) and is also aggravated by the nature of the thing stolen, and which theft occurred to the detriment of Joseph Cordina and / or to the detriment of any other person/s and / or to any other entity / entities;

This Court was requested that in case of guilt, in addition to inflicting the penalties laid down in the Law and in addition to the said punishment, applies Article 15A of the Criminal Code;

In case of guilt, the Court was humbly being requested to oblige the accused to pay the expenses related to Court appointed experts according to Article 532B and / or Article 533 of the Criminal Code;

In case of guilt, in addition to inflicting the penalties laid down in the Law and in addition to the said punishment, the Court was being requested to apply Articles 382, 383, 384 and 385 of the Criminal Code.

Having Considered,

Whereas having heard the person charged 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, and 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 defendant guilty pleas to the charges brought against him, the Court has no alternative but to declare him guilty of the said charges.

With regards to punishment the Court took into consideration the defendant's admission of guilt, his clean criminal records, the nature of the offences of which he stands charged and the circumstances of the case. It is the Court's firm opinion that society will not benefit from the defendant's incarceration but is better served if he is allowed to rehabilitate himself and continue being an exemplary worker as his employer testified, working in earnest to take care of his family's needs and in particular those of his child who needs constant medical treatment.

In view of the above, the Court, after having seen Articles 17, 31, 261(c)(g), 267, 271(g), 279(a), 280(1) of the Criminal Code, Chapter 9 of the Laws of Malta, finds

the defendant guilty of the charges brought against him, and by application of article 7 of The Probation Act, Chapter 446 of the Laws of Malta, orders the offender to be placed under an order of probation for a period of **two (2) years**.

Moreover in terms of Article 412D of the Criminal Code the Court is placing the defendant under a treatment order so that he is given any help he may need, including psychological help, to address his addiction.

In terms of article 7(7) of The Probation Act, the court explained to the defendant in ordinary language the effect of the order and that should he fail to comply therewith or commits another offence, he will be liable to be sentenced for the original offence.

In terms of article 7(8) of The Probation Act, orders that copies of the order are given to the offender and to the Director of Probation Services.

The Court orders that a copy of this judgement be notified to the Director of Probation Services.

Finally in terms of Article 392A(2) of the Criminal Code, the Court orders that within six (6) working days, the Attorney General shall be given access to a scanned copy of the records, together with access to a scanned copy of the judgment.

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

Notification: Department of Probation and Parole.