



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

**Today, 25<sup>th</sup> April 2024**

**Comp. No. 8980/2023**

**The Republic of Malta  
(Dr Joseph Camilleri Azarov  
Inspector Elisia Scicluna)**

**vs**

**David Pawel Paruzel  
(Polish Passport no. FB8822794)**

**The Court,**

After having seen the charges brought against Dawid Pawel Paruzel, holder of Polish passport number FB8822794.

On behalf of the Republic of Malta charged with having:

On the 16<sup>th</sup> of November 2023 between seven in the morning (07:00am) and ten in the morning (10:00am) in Wellbees Supermarket Old Railway Track Road, Santa Venera and/or elsewhere in these Islands :

1. With the intent of committing a crime, manifested such intent by over acts which were followed by a commencement of the execution of the crime, which crime was not completed in consequence of some accidental cause independent of his will and if it had been completed such crime would have been the crime of theft, which theft would have been aggravated by amount, which amount of the things stolen does not exceed two thousand and three hundred and twenty nine euros and thirty seven cents (€2,329.37) and this was done to the detriment of Welbees Supermarket and/or any other person/s and/or other entity

and/or other entities and this in violation of articles 41(1)(a), 261(c), 267 and 279(a) of Chapter 9 of the Laws of Malta.

2. Committed an offence, punishable with imprisonment, during the operational period of a suspended sentence that was given to him on the 15<sup>th</sup> of November 2023 by the Court of Magistrates (Malta) presided by Magistrate Dr. Caroline Farrugia Frendo LL.D. and this was done in violation of article 28B of Chapter 9 of the Laws of Malta.
3. And furthermore for when being not in possession of property of any kind, and having no other means of subsistence, failed to show that he has habitually endeavoured to engage in or exercise some art, trade or other occupation and this in violation of article 338(i) of Chapter 9 of the Laws of Malta.

The Court is kindly requested to consider Dawid Pawel Paruzel as a recidivist in case of guilt, by virtue of a sentence that has become res judicata and this is in terms of Articles 49, 50 and 289 of Chapter 9 of the Laws of Malta.

In case of guilt for all the crimes mentioned above or for only one or some of them, the Court is kindly requested to use against the offender the provisions of Article 15A of the Criminal Code, and this is in addition to inflicting the penalty or penalties established by law.

The Court is also requested to apply article 522B and article 533 of Chapter 9 of the Laws of Malta, with regards to the expenses incurred by the Court appointed Experts.

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

Having heard all the witnesses and final submissions by the the parties.

### **Considers**

That the accused is being charged with the intent of committing a crime, where in this particular case the crime is theft, which crime was not completed in consequence of some accidental cause independent of his will. The theft upon completion would have been aggravated with the amount not exceeding the sum of two thousand three hundred and twenty-nine Euros and thirty seven cents (€ 2,329.27) for the detriment of

Wellbees Supermarket. In addition the accused is being charged of being a recidivist and also for committing an offence punishable by imprisonment during the operational period of a suspended sentence. Furthermore he is being accused of failing to show that he is engaged in a trade or occupation to sustain himself.

That various employees of the Supermarket who testified, stated that the accused was seen through CCTV footage allegedly putting 10 Whiskey bottles in his haversack, and when he noticed that he was being watched, he put them back on the shelf before he proceeded to the counter with 2 wine bottles. When he was asked for payment for these wine bottles, he proceeded to inform the cashier that he did not have the money to pay for them, and that he needed to phone his mother to come and settle the bill.

The employee that was walking close to where the accused was, at the time that the accused was allegedly stealing, stated that he did not actually see the accused put the bottles in the haversack, or take them out from his haversack and put them back on the shelf, and neither did the same employee speak to the accused to warn him or inform him that he saw him stealing.

That the haversack belonging to the accused was not searched at this point in time, and the search was only carried out when the accused was kept temporarily in the Management Office of the supermarket until the Police arrived. During this search, no whiskey bottles were found in the haversack.

That although security footage was presented by the Prosecution showing the accused in front of a row of bottles and clearly showing a black haversack, the footage does not clearly show the accused putting the bottles in his haversack and then back again on the shelf. Hence the **first (1) and second (2) charge being brought against the accused cannot be proven beyond reasonable doubt.**

As with regards the **third (3) charge** against the accused the Prosecution failed to bring any evidence to substantiate this charge beyond reasonable doubt, except for the witness from Jobs Plus who stated that the accused was not registered with them, and **hence the accused cannot be declared guilty of this charge.**

## **Decide**

**For the above mentioned reasons the Court is declaring the accused not guilty of all charges brought against him and releasing him from these charges.**

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