



**COURT OF MAGISTRATES (MALTA)**  
**AS A COURT OF CRIMINAL JUDICATURE**

**MAGISTRATE DR. KEVAN AZZOPARDI B.A. LL.D**

**Today the 20th June 2024**

**The Police**

**(Inspector Joseph Mallia)**

**VS**

**Mahal Kamal Mohamed**

(holder of Maltese residence permit number 65891A)

**The Court:**

Having seen that the accused Mahal Kamal Mohamed, forty two (42) years old, son of Kamal Mohamed and Seceedo nee' Muhudeen, born in Somalia on the first (1st) of June of the year one thousand nine hundred and eighty two (1982), having no fixed address, holder of Maltese residence permit number 65891A, was arraigned under arrest and charged with having on the 21<sup>st</sup> May 2024 in J.M.B Supermarket, Old Church Street, Birkirkara and/or in other parts of the Maltese Islands between half past three in the afternoon (15:30hrs) and half past in the afternoon (16:30hrs):

1. Committed simple theft of 80 euros in cash to the detriment of 'J.M.B Supermarket' and/or other persons;

*Article 284, 285 of Chapter 9 of the Laws of Malta*

2. And also, for committing an offence during the operative period of a suspended sentence as given on 18th November 2023, Magistrate Dr. Monica Vella LL. D, which sentence is absolute and irreplaceable.

In case of guilt, the Court was requested to consider Mahal Kamal Mohamed as a recidivist after being sentenced for an offence/s by a judgement of the Court of Magistrates (Malta) as a Court of Criminal Judicature which has become res judicata and this is in terms of Articles 49 and 50 of Chapter 9 of the Laws of Malta;

This Court was requested in the event that the accused is found guilty, in terms of Article 15A, of Chapter 9 of the Laws of Malta apply, to order the accused to retribute to the injured party the amount stolen;

The Court was also requested that in case of guilt, to sentence the person convicted to the payment, wholly or in part, to the registrar, of the costs incurred in connection with the employment in the proceedings of any expert or referee, including such experts as would have been appointed in the examination of the process verbal of the inquiry, within such period and in such amount as shall be determined in the judgment or order in terms of articles 533 of the Criminal Code, Chapter 9 of the laws of Malta.

Having seen that the accused registered a guilty plea soon after the prosecution read and confirmed the charges under oath.

Having seen the acts of the case.

Having heard the defence counsel and the prosecuting officer's final oral submissions in relation to the punishment to be inflicted upon the accused.

### **Considerations:**

This is a case where the accused admitted to the charges brought against him at the very first opportunity. In view of the accused's voluntary admission, the Court has no other option but to find the defendant Mahal Kamal Mohamed guilty of the charges brought against him. The Court considered the circumstances of the accused as presented by his defence counsel, particularly the fact that the accused stole in order to be able to sustain himself.

**Decision:**

For these reasons, the Court, having seen article 284, and 285 of Chapter 9 of the Laws of Malta, upon the admission of the accused Mahal Kamal Mohamed, holder of Maltese residence permit number 65891A, finds the said accused guilty of the first (1st) charge, and condemns him to the punishment of two (2) months imprisonment.

In addition, the Court, having seen article 28B of Chapter 9 of the Laws of Malta, upon the admission of the said accused Mahal Kamal Mohamed, holder of Maltese residence permit number 65891A, finds him guilty of the second (2) charge, and therefore that the offender committed the abovementioned crime punishable by imprisonment during the operational period of the suspended sentence awarded by judgement delivered on the 18th November 2023 by the Court of Magistrates (Malta) presided by Magistrate Dr Monica Vella LL.D as a Court of Criminal Judicature, and orders that the suspended sentence of one and a half years imprisonment shall take effect from today. From the said period of imprisonment, there shall be deducted the time during which the accused was held under custody in relation to those charges only.

The Court orders that the Registrar of Criminal Courts and Tribunals shall by means of a note, file a copy of this judgement in the acts of the proceedings before the Court of Magistrates (Malta) presided by Magistrate Dr Monica Vella LL.D.

Furthermore the Court orders that the Registrar of Criminal Courts and Tribunals makes the necessary annotations in the special register mentioned in article 28A(8) of Chapter 9 of the Laws of Malta.

The Court, in terms of article 15A of Chapter 9 of the Laws of Malta orders that the accused Mahal Kamal Mohamed pays the amount of seventy Euros (€70) to the injured party J.M.B. Supermarket.

Finally the Court orders that this judgement be communicated to the Registrar of Criminal Courts and Tribunals.

**Kevan Azzopardi B.A. LL.D**  
**Magistrate**

**Josanne Gauci**  
**Deputy Registrar**

< Final Judgement >

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