



**IN THE COURT OF MAGISTRATES  
AS A COURT OF CRIMINAL JUDICATURE**

**MAGISTRATE DR. ANN MARIE THAKE**  
LL.B., Adv. LL.M., LL.D.

Today, the 27<sup>th</sup> of June 2024

**The Republic of Malta**  
**vs**  
**Dawid Pawel Paruzel**

Case No. 520/2024 AMT

The Court,

Having seen the charges against **Dawid Pawel Paruzel**, born in Bielsko-Biala on the 1<sup>st</sup> of March 1994 and holder of the Polish identity card with the number FB8822794, whereby he was accused of having by means of several acts committed by him, even if at different times, which constitute violations of the same provision of the law, and which were committed in pursuance of the same design:

1. On the 30<sup>th</sup> of March 2024 and/or in the preceding weeks and/or months, from Smart Supermarket, in Naxxar Road, Birkirkara, Malta and/or in other areas of these Islands, committed theft of bottles of alcohol, and/or tools, and/or other items, which theft is aggravated by value, when the value of the items stolen exceeds two hundred and thirty-two euros and ninety four cents (€232.94) but does not exceed two thousand, three hundred and twenty-nine euros and thirty-seven cents (€2,329.37), to the detriment of Smart Supermarket Ltd and/or other persons and/or other entities; and
2. In the same times, place and circumstances, knowingly received or purchased any property which has been stolen, misapplied or obtained by means of any offence, whether committed in Malta or abroad, or knowingly took part, in any manner whatsoever, in the sale or disposal of the same, *ossia* bottles of alcohol and/or tools and/or other items, with a value that does not exceed two thousand, three hundred and twenty-nine euros and thirty-seven cents (€2,329.37), to the detriment of Smart Supermarket Ltd and/or other persons and/or other entities; and
3. In the same time, place and circumstances, through imprudence, negligence or unskilfulness in his trade or profession, or through non-

observance of any regulation, caused damage or spoil to security alarms and/or other objects, to the detriment of Smart Supermarket Ltd and/or other persons and/or other entities; and

4. As well as, on the 15<sup>th</sup> June 2024 and/or in the preceding weeks and/or months, from Greens Supermarket, in Triq l-Uqija, Swieqi, Malta and/or in other areas of these Islands, committed theft of bottles of perfume and/or other items, which theft is aggravated by value, when the value of the items stolen exceeds two hundred and thirty-two euros and ninety four cents (€232.94) but does not exceed two thousand, three hundred and twenty-nine euros and thirty-seven cents (€2,329.37), to the detriment of Greens Supermarket Ltd and/or other persons and/or other entities; and
5. In the same time, place and circumstances, knowingly received or purchased any property which has been stolen, misapplied or obtained by means of an offence, whether committed in Malta or abroad, or knowingly took part, in any manner whatsoever, in the sale or disposal of the same, *ossia* bottles of alcohol and/or tools and/or other items, with a value that does not exceed two thousand, three hundred and twenty-nine euros and thirty-seven cents (€2,329.37), to the detriment of Greens Supermarket Ltd and/or other persons and/or other entities; and
6. As well as, on the 24<sup>th</sup> of June 2024, from Smart Supermarket, in Naxxar Road, Birkirkara, Malta and/or in other areas of these Islands, with intent to commit a crime shall have manifested such intent by overt acts which are followed by a commencement of the execution of the crime, which crimes is theft aggravated by value, when the value of the items stolen exceeds two hundred and thirty-two euros and ninety four cents (€232.94) but does not exceed two thousand, three hundred and twenty-nine euros and thirty-seven cents (€2,329.37), to the detriment of Smart Supermarket Ltd and/or other persons and/or other entities; and
7. In the aforementioned times, places and circumstances, and in the aforementioned areas of these Islands, committed a crime during the operative period of a prison sentence of twelve months, which prison sentence was suspended by a period of two years, by virtue of a judgment delivered by the Maltese Courts on the 15<sup>th</sup> of November 2023, which became definitive and cannot be changed.

The Court requested to consider the accused as a recidivist in terms of articles 49, 50 and 289 of Chapter 9 of the Laws of Malta.

The Court was also requested, in case of a finding of guilty, to:

- i. Order the offender to return to the injured party anything which he has stolen or which he knowingly received or obtained by fraud or other unlawful gain to the detriment of that injured party by or through the offence, or to pay that party an amount of money as may be fixed by the Court as compensation for such loss as aforesaid or for any damage or other offence or damage in terms of article 15A of Chapter 9 of the Laws of Malta;

- ii. Order the accused to pay, besides the fines established by the law, the expenses related to the appointment of experts, if any, as provided in article 533 of Chapter 9 of the Laws of Malta.

Having heard, during the sitting held on the 26<sup>th</sup> of June 2024, the accused admit to the charges brought against him even after the consequences of the guilty plea were explained to him and after the accused was given reasonable time to reconsider.

Having heard the parties' submissions on punishment.

**Considers;**

Having heard the defendant plead guilty to all charges proffered against him, while duly assisted by his lawyer, the Court considered that all charges have been sufficiently proven and the accused is guilty of the same.

With regards to the punishment, the Court has taken into consideration the defendant's guilty plea, registered on his very first appearance before the Court, and his cooperation with the police. The Court has also taken into consideration the accused's criminal record, that shows that he was found guilty of very similar offences not more than six months before the commission of the offences of which he is being found guilty, such that these offences were committed during the operative part of a suspended sentence imposed on him on the 15<sup>th</sup> of November 2023.

**Decide**

For these reasons the Court, after having seen articles 18, 49, 261(c), 267, 279(a), 289, 334(a), 328(1)(a), and 28B Chapter 9 of the Laws of Malta, finds the accused guilty of all charges proffered against him and condemns him to eighteen (18) months imprisonment for the first six charges brought against him.

With regards to the 7<sup>th</sup> charge the Court orders that, in terms of article 28B of Chapter 9 of the Laws of Malta, the original sentence of twelve (12) months imprisonment imposed in the judgment against the accused dated the 15<sup>th</sup> of November 2022 shall take effect.

The accused is therefore being condemned to serve a total of thirty (30) months imprisonment.

In terms of article 15A of Chapter 9 of the Laws of Malta, the Court orders the accused to pay Smart Supermarket Limited the sum of one thousand, three hundred and forty six euros and seventeen cents (€1,346.17) and Greens Supermarket Limited the sum of nine hundred and ninety euros (€990).

The Court orders 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 and to a scanned copy of the judgment within six (6) working days.

Ann Marie Thake  
Magistrate

Ylenia Spiteri  
Deputy Registrar