



**IN THE COURTS OF MAGISTRATES (MALTA)**  
**AS A COURT OF CRIMINAL INQUIRY**  
**Magistrat Dr. Yana Micallef Stafrace LL.D.**

**Today the 22nd of May 2025**

**The Republic of Malta**

**Vs**

**Najib Afif**

The Court

Having seen that the accused:

**Najib Afif**, thirty one (31) years old, son of the late Otman Afif and Imane Houdar Afif, of Dutch Nationality, born on the twenty fourth (24th) of April of the year one thousand nine hundred and ninety four (1994), residing at 146, BLK C, FLAT 8, Triq ix-Xatt Pieta' holder of Maltese resident card 0447502A

On the twenty sixth (26th) of April 2025 sometime between seven in the evening (19:00) and two in the morning (02:00hrs) of twenty seventh (27TH) of April of the year two thousand and twenty- five (2025, at Ivy Pub St Julians, and/or in other places in these Islands:

1. Committed the crime of theft of **an iphone and money by transferring them from a revolut account**, which theft is aggravated by **amount**; which amount of the thing stolen does not exceed two thousand and three hundred

and twenty-nine Euro and thirty-seven cents (€2,329.37) and by **time** which happened during the night this to the detriment of **Velders Maurits Adam Arnold** and/or other person/s and/or any other entity and/or other entities;

Articles 261(c),(f),267, 270, 279 (b), 268(a), 280 (1) of Chapter 9 of the Laws of Malta

And also we accuse him that sometime between the twenty sixth (26TH) of April of the year two thousand and twenty-five (2025) and the twenty seventh (27TH) of April of the year two thousand and twenty-five (2025) around the Maltese Islands;

2. Without authorisation, used a computer or any other device or equipment to access any data, software or supporting documentation held in that computer or on any other computer, or used, copied or modified any such data, software or supporting documentation;

Article 337C (1) (a) of Chapter 9 of the Laws of Malta

3. also with having on the same date, time, place and circumstances Without authorisation, used another person's access code, password, username, electronic email address or other means of access or identification information in a computer or in any manner infringed any security measure to gain access without authorization to the whole of or to any part of an information system;

Article 337C (1) (i) of Chapter 9 of the Laws of Malta

4. also with having on the same date, time, place and circumstances Fraudulently used a stolen or otherwise unlawfully appropriated or obtained non-cash payment instrument;

Art 310F (a) of Chapter 9 of the Laws of Malta

5. And also with having on the same date, time, place and circumstances Unlawfully attained a non-corporeal non-cash payment instrument when this attainment has involved the commission of at least one of the offences referred to in Article 337C (1) of the Criminal Code, Chapter 9 of the Laws of Malta, or misappropriated a non-corporeal non-cash payment instrument;

Art 310F(g) of Chapter 9 of the Laws of Malta

The Court is also being humbly requested that in the case of guilt, in addition to the punishment in accordance to the law, orders the accused to pay the costs incurred in terms of Article 533 of the Criminal Code, Chapter 9 of the Laws of Malta;

This Court is being humbly requested in the event of guilt to apply Article 15A and 28H of Chapter 9 of the Laws of Malta;

This Court is also being humbly requested to provide security for Velders Maurits Adam Arnold as the Court sees fit and necessary and under all the conditions that deems appropriate, issues an order of protection in terms of Article 412C, of Chapter 9 of the Laws of Malta;

Therefore, whilst exhibiting the conviction sheets and identification documents of the accused, we humbly request that this case be treated according to law.

Having seen that on the 22nd of May 2025, the charges were read under oath.

Having seen the admission of guilt by the accused.

Having seen the oral submissions of the parties.

Having seen articles 28 A, 261(c),(f),267, 270, 279 (b), 268(a), 280 (1), 337C (1) (a), 337C (1) (i), 310F (a) and 310F(g) of Chapter 9 of the Laws of Malta.

Having seen the acts of the case.

### **Considerations of this Court**

The accused registered an admission of guilt at the very initial stages of these proceedings and collaborated with the Police and that a compensation of one thousand five hundred Euro (€1,500) has already been paid back by the accused to the victim, Velders Maurits Adam Arnold, seduta stante.

### **Decide**

For these reasons and after having seen articles 28 A, 261(c),(f),267, 270, 279 (b), 268(a), 280 (1), 337C (1) (a), 337C (1) (i), 310F (a) and 310F(g) of Chapter 9 of the Laws of Malta finds the accused Najib Afif guilty of the charges and condemns him to a term of two (2) years imprisonment suspended for four (4) years.

The Court explained in detail the meaning of a suspended sentence.

**DR. YANA MICALLEF STAFRACE LL.D.**  
**MAGISTRATE**

**Doris Serpina Sciberras**  
**Deputy Registrar**

