

Kopja Informali ta' Sentenza



**QORTI TAL-MAGISTRATI (MALTA)
BHALA QORTI TA' GUDIKATURA KRIMINALI**

**MAGISTRAT DR.
ANTONIO MIZZI**

Seduta tat-13 ta' Frar, 2003

Numru 165/2003

The Police
(Insp. Mario Tonna
Insp. Martin Sammut)

VS

Nikola Ristic, son of Milam,
born in Yugoslavia on the 16th
November, 1976

The Court,

Having seen the charges proffered against the accused with having on these Islands on the 24th January, 2003, from Point Street, Sliema or in its vicinity, between 1915 hours and 2015 hours –

1. committed the theft of a number of credit cards, Alpine car radio equipment, Lm60 in cash and a Nokia mobile phone from a car, Volkswagen Golf, bearing registration number CMC 111, to the detriment of Kevin Zammit Briffa,

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Qrati tal-Gustizzja

which theft exceeds the sum of Lm100 but does not exceed the sum of Lm1,000 and is aggravated by means, by time, by the amount and by the nature of the thing stolen;

2. by any means, wilfully committed any spoil, damage or injury upon any movable property, that is a car, Volkswagen Golf, bearing registration number CMC 111, to the detriment of Kevin Zammit Briffa, which damage does not exceed Lm50;

Furthermore, charge him with having on these Islands, some time between the 25th and the 29th January, 2003 committed the theft of a Bank of Valletta cheque book from the Soleado Guest House, A'Ear id-Dud, Slçma to the detriment of Gaelic Company Limited, Joseph Bugeja and the Bank of Valletta plc, which theft is aggravated by person and by place;

Furthermore, charge him with having on these Islands, on the 3rd February, 2003, from Church Street, St. Julians or in its vicinity, between 1800 hours and 2030 hours:

1. committed the theft of a brçf case, a Canon camera, a cheque book and other documents from a car, Renault Laguna, bearing registration number ACC 001, to the detriment of Raymond Zerafa and Norman Darmanin Demajo, which theft exceeds Lm100 but does not exceed Lm1,000 and is aggravated by means, by time, by the amount and by the nature of the thing stolen;

2. by any means, wilfully committed any spoil, damage or injury upon any movable property, that is car, Renault Laguna, bearing registration number ACC001, to the detriment of Raymond Zerafa, which damage does not exceed Lm50;

Furthermore, charge him with having on these Islands in different places, some time between the 25th January, 2003 and the 12th February, 2003 by means of several acts, committed at different times in pursuance of the same design and which constitute violations of the same provisions of the law –

1. committed the forgery of an authentic and public instrument or of any commercial document or private bank

document, by counterfeiting or altering the writing or signature, by feigning any fictitious agreement, disposition, obligation or discharge, or by insertion of any such agreement, disposition, obligation or discharge, in any of the said instruments or documents after the formation thereof, or by the addition to, or alteration of, any clause declaration or fact which such instruments or documents were intended to contain or prove, to the detriment of Judy Risso, Raymond Zerafa and Norman Darmanin Demajo;

2. knowingly making use of false acts, writings, instruments or any commercial documents or private bank documents, by counterfeiting or altering the writing or signature, by feigning any fictitious agreement, disposition, obligation or discharge, or by the insertion of such agreement, disposition, obligation or discharge in any of the said instruments or documents after the formation thereof, or by the addition to, or alteration of, any clause, declaration or fact which such instruments or documents were intended to contain or prove, to the detriment of Gaelic Company Limited, Raymond Zerafa, Norman Darmanin Demajo, Bank of Valletta plc and several other persons;

3. with intent to commit a crime, manifested such intent by overt 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 the will of the offender, by means of unlawful practice, or by the use of any fictitious name or the assumption of any false designation, or by means of any other deceit, device or pretence calculated to lead to the belief in the existence of any fictitious enterprise or of any imaginary power, influence or credit, made gain in excess of Lm1,000 to the prejudice of several persons;

Furthermore, charge him with having on these Islands on the 12th February, 2003 and the weeks before, by means of several acts, committed at different times in pursuance of the same design and which constitute violations of the same provisions of the law, knowingly received or purchased any property which had been stolen, misapplied or obtained by means of any offence, or

knowingly took part, in any manner whatsoever, in the sale or disposal of the same.

Having seen the records of the case of the 13th February, where the accused admitted to all the charges as proffered against him with the exception of the last charge.

Consequently, the Court does not find him guilty of the last charge proffered against him. The Court finds the accused guilty of all the other charges proffered against him. Having seen sections 261(b)(c)(d)(f)(g), 263, 267, 268, 269, 270, 271(g), 278(1)(2)(3), 325, 183, 184, 41, 308, 309 and 310 of the Criminal Code. Having noted that the accused collaborated with the police in their investigations and that he admitted in Court at the first instance, condemns him to a period of imprisonment for a term of two years. Having seen section 28A of the Criminal Code orders that the sentence shall not take effect unless, during a period of four years from today, the accused commits another offence punishable with imprisonment. Moreover, the Court orders the removal of the accused from these Islands with immediate effect.

-----TMIEM-----