



MALTA

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

**MAGISTRAT DR.
ANTONIO MICALLEF TRIGONA**

Seduta tat-28 ta' Awwissu, 2006

Numru 723/2006

Il-Pulizija
(Spettur Mario Bonello)

v

Ilia Asashvili

The Court,

On the 28th July 2006, the accused Ilia Asahvili holder of passport number 05AA10892 was arraigned under arrest to answer to the following charges:

“ talli fis-26 ta' Lulju 2006 ghal habta tat-3.00pm minn gewwa l-iskola Maria Regina tal-Hamrun flimkien ma' persuni ohra mhux maghrufa ikkommetta serq tas-somma ta' 50 Euros u MP3 li l-valur tieghu huwa ta' aktar minn

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Lm100 izda anqas minn Lm500 ghad-detriment ta' Antonio Zurro; is-serq huwa kwalifikat bil-vjolenza u ammont;

talli fl-istess data, zmien, hin, lok u cirkostanzi, ikkommetta serq ta' MP3 li l-valur tieghu huwa aktar minn Lm100 izda anqas minn Lm500 ghad-detriment ta' Ivan Luos Coba; is-serq huwa kwalifikat bil-vjolenza u ammont;

talli fl-istess data, hin, lok u cirkostanzi ikkommetta serq ta' I pod li l-valur tieghu huwa ta' aktar minn Lm100 izda anqas minn Lm500 ghad-detriment ta' Enrique Evanes; is-serq huwa kkwalifikat bil-vjolenza u ammont;

talli fl-istess data, hin, lok u cirkostanzi ikkommetta serq ta' somma flus li tammonta ghal anqas minn Lm100 ghad-detriment ta' Alonso David Romero, liema serq huwa kkwalifikat bil-vjolenza;

aktar talli fl-istess data, hin, lok u cirkostanzi ikkommetta serq ta' somma ta' flus li tammonta ghal anqas minn Lm100 ghad-detriment ta' Alvaro Del Busto, liema serq huwa kkwalifikat bil-vjolenza”

On the first day of his arraignment the charges were read out to the accused in his presence as assisted by the court appointed interpreter. Accused pleaded not guilty to the charges.

Having seen the note from the Attorney General that the case be heard summarily;

Having examined and heard the evidence;

Having heard the accused reiterate at today's hearing that he will not testify and that he has no witnesses to produce in his defence and further states that he finds no objection that the case be heard summarily and that the Court gives judgment forthwith;

Having seen all the records and documents of the case.

Considers:

Accused is charged with having committed theft to the prejudice of a number of foreign students attending the Maria Regina School in Mountbatten Street, Hamrun. From the facts of the case it transpires that the alleged thefts occurred as reported in the charge-sheet and the items alleged stolen were two MP3s and one fifty euro note

The following other facts emerge from the evidence tendered:

- i. that the items in question were inside bags pertaining to the victims which bags were left unguarded in the classroom;
- ii. that the accused was seen running and being chased he was apprehended and consigned to the police;
- iii. that the victims who suffered the missing objects all testified and confirmed this fact;
- iv. that except for some money which included some Russian currency nothing else was found on the accused;
- v. that none of the prosecution's witnesses testified to having seen the accused actually in the school building although it seems that he was apprehended in the school grounds and certainly none of these witnesses saw the accused inside the classroom in question pilfering the bags;
- vi. that it is established that the accused was a complete stranger to the school in the sense that he was not a student at that particular moment in time.

That the prosecution was obliged to prove, first and foremost, a causal connection between the thefts and the accused. The evidence fails even remotely to establish and determine such causal connection. The only certain thing in the circumstances is that the accused was chased in the school grounds, apprehended, and given over to the police. Nor does the evidence show that the money

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which was found on the accused had any connection to that declared to have been stolen.

On the strength of such evidence the court finds itself with no other option but to acquit the accused on lack of evidence. It consequently declares the accused not guilty of the charges proffered against him.

< Sentenza Finali >

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