



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

**MAGISTRATE DR.
JACQUELINE PADOVANI**

Sitting of the 14 th January, 2009

Number 29/2009

POLICE
INSPECTOR RAYMOND CASSAR
INSPECTOR JEFFREY CILIA
VS
FARRUH SIVE FREY TOSHBOEV

The Court,

Having seen the charges brought against the accused Farruh sive Frey Toshboev, 22 years, son of Narmurat and Saodat nee' Ururova, born at Uzbekistan on the 30/09/1986, holder of an Uzbekistan Passport w/n CE2378222 and temporarily residing at Valentina Hotel Room 23, Schreiber Street., Paceville.

And charged with having:

1. on the 5th January 2009 between 01:30hrs and 05:45hrs committed theft of nine hundred and seventy three Euros (€973) in cash, and of one thousand three

hundred and eighty one Euros (€1381) in tobacco products for the detriment of Robert Agius, Andrea Mifsud and/or other persons, from Ryans's Pub located at Triq Wied Ghomor at St. Julians, which theft is aggravated by time, amount and means;

2. and more with on the same day and on the days after, in these Islands, knowingly received or purchased any property which have been stolen, misapplied or obtained by means of any offence whether committed in Malta or abroad, or shall knowingly take part, in any manner whatsoever, in the sale or disposal of the same, which property have been obtained by theft aggravated by time, amount which exceeds €2329.37 and by means;

3. and more with on the 5th January 2009, wilfully spoiled, damaged or injury to or upon any movable or immovable property belonging to Robert Agius, Andrea Mifsud, Mark Giacchone and/or other persons, which damage amounts for more than one thousand one hundred and sixty four Euros (€1164);

4. and more with during the night between the 4th and 5th October 2008 committed theft of one thousand one hundred Euros (€1100) in cash for the detriment of Nicky Green and/or other persons, from De Old Keg Bar located at Wilga Street at St Julians, which theft is aggravated by time, amount and means;

5. and more with on the same night and on the days after, in these Islands, knowingly received or purchased any property which have been stolen, misapplied or obtained by means of any offence whether committed in Malta or abroad, or shall knowingly take part, in any manner whatsoever, in the sale or disposal of the same, which property have been obtained by theft aggravated by time, amount which does not exceeds €2329.37 and by means;

6. and more with on the night between the 4th and 5th October 2008, wilfully spoiled, damaged or injury to or upon any movable or immovable property belonging to

Nicky Green and/or other persons, which damage amounts for more than one thousand one hundred and sixty four Euros (€1164);

7. and more with during the night between the 24th and 25th October 2008 committed theft of three hundred and eighty Euros (€380) in cash and one hundred and forty Euros (€140) in tobacco products for the detriment of Albert Zammit and/or other persons, from Heaven located at Paceville Avenue at St Julians, which theft is aggravated by time, amount and means;

8. and more with on the same night and on the days after, in these Islands, knowingly received or purchased any property which have been stolen, misapplied or obtained by means of any offence whether committed in Malta or abroad, or shall knowingly take part, in any manner whatsoever, in the sale or disposal of the same, which property have been obtained by theft aggravated by time, amount which does not exceeds €2329.37 and by means;

9. and more with on the night between the 24th and 25th October 2008, wilfully spoiled, damaged or injury to or upon any movable or immovable property belonging to Albert Zammit and/or other persons, which damage amounts for more than one thousand one hundred and sixty four Euros (€1164);

10. and more with on the 15th December 2008 committed theft of one thousand two hundred and eighty three Euros (€1283) in cash for the detriment of Salim Teksen and/or other persons, from Teksen Turkish Dinner Restaurant located at Ta' Xbiex Sea Front at Msida, which theft is aggravated by time, amount and means;

11. and more with on the same day and on the days after, in these Islands, knowingly received or purchased any property which have been stolen, misapplied or obtained by means of any offence whether committed in Malta or abroad, or shall knowingly take part, in any manner whatsoever, in the sale or disposal of the same,

which property have been obtained by theft aggravated by time, amount which does not exceeds €2329.37 and by means;

12. and more with on the 15th December 2008, wilfully spoiled, damaged or injury to or upon any movable or immovable property belonging to Salim Teksen and/or other persons, which damage amounts for more than than one thousand one hundred and sixty four Euros (€1164);

13. and more with between the 23rd September 2008 and the 15th October 2008 committed theft of four hundred Euros (€400) in cash for the detriment of Kenneth Mallia Milanes and/or other persons, from Luxol Club located at Luxol Grounds at St Andrews, which theft is aggravated with time, amount and means;

14. and more with on the same period of time and on the days after, in these Islands, knowingly received or purchased any property which have been stolen, misapplied or obtained by means of any offence whether committed in Malta or abroad, or shall knowingly take part, in any manner whatsoever, in the sale or disposal of the same, which property have been obtained by theft aggravated by time, amount which does not exceeds €2329.37 and by means;

15. and more with between the 23rd September 2008 and the 15th October 2008 , wilfully spoiled, damaged or injury to or upon any movable or immovable property belonging to Kenneth Mallia Milanes and/or other persons, which damage amounts for more than than one thousand one hundred and sixty four Euros (€1164);

16. and more with on the 20th December 2008 and on the previous days, in these Islands, knowingly received or purchased any property (Vodafone top up vouchers) which have been stolen, misapplied or obtained by means of any offence whether committed in Malta or abroad, or shall knowingly take part, in any manner whatsoever, in the sale or disposal of the same, which property have been obtained by theft from Aroma Confectionery located

at Naxxar Road at San Gwann and is aggravated by time, amount which does not exceeds €2329.37 and by means;

17. and more with on the 20th December 2008 and during the months prior to this date, in Malta, forged, altered or tempered with, or used or had in his possession a passport which he knew to be partly forged, altered or tempered with;

18. and more with on the 20th December 2008 and during the months prior to this date, in Malta, knowingly made use of forged documents;

19. and more on the these last months and thus as from March 2007 , as a person who embarked or disembarked from Malta, made or caused to be made a false return, false statement or false representation and/or furnished the Principal Immigration Officer with false information;

20. and more that on the 27th December 2008 failed to comply with the conditions imposed on him upon his released from custody on the 22nd December 2008.

Having heard the evidence tendered on oath;

Having seen the consent of the Attorney General and the accused for summary proceedings;

Having seen the record of the proceedings;

Having heard the plea of guilt to charges 1, 3, 4, 6, 7, 9, 10, 12, 13, 15, 16, 17, 18, 20, registered by the accused;

Having heard the confirmation of the said plea of guilt registered by the accused to the charges above

mentioned after the Court accorded him a reasonable time for reconsideration;

Having heard the oral submissions of the parties;

Considers:

On the strength of his own guilty plea, the Court finds the accused, Farruh sive Frey Toshboev, guilty of charges 1, 3, 4, 6, 7, 9, 10, 12, 13, 15, 16, 17, 18, 20 and after examining Article 261, 263, 264, 267, 270, 279, 280 of Chapter 9 of The Laws of Malta, condemns the accused, Farruh sive Frey Toshboev, to a term of imprisonment of two years. The Court is acquitting the accused of charges two (2), five (5), eight (8), eleven (11), fourteen (14), nineteen (19), which are alternative to those over which guilt has been pronounced.

This punishment was accorded after the Court took into consideration the age of the accused, the criminal record of the accused, the registration of a guilty plea in the early stages of the procedures, together with the fact that the accused, in spite of his youth, has made burglary his profession.

< Final Judgement >

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