



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

**MAGISTRATE DR.
AUDREY DEMICOLI**

Sitting of the 13 th April, 2010

Number 361/2010

**Police
Inspector Nikolai Sant
Inspector Malcolm Bondin**

vs

Vasile Danciu

The Court;

Having seen the accused Vasile Danciu of 31 years, son of Gheorghe and Florica nee' Neacsu, born at Galati, Romania on the 21st August 1978, residing at 32, Flat 6, St. Joseph, Wilga Street, St. Julians and holder of passport number 12796435 was arraigned before it and charged with having :

a) On the 11th April 2010 at about 18.00hrs, at St. Georges Road, St. Julians comitted theft from Clique Bar,

St. Georges Road, St Julians, to the detriment of Marco Bonnici, which theft is aggravated by means ;

b) Also on the same date, time and place wilfully committed damage to or upon any immoveable or movable property, to the detriment of Marco Bonnici, which damages do not exceed one thousand one hundred and sixty nine euros and sixty nine cent but more than one hundred and sixty nine euros and forty seven cent ;

c) Also on the same date, time and place reviled or threatened, or cause a bodily harm to Pc 670 Walter Sheldon and Pc1300 Julian Fenech, lawfully charged with a public duty, while in the act of discharging his duty or because of his having discharged such duty, or with intent to intimidate or unduly influence him in the discharge of such duty ;

d) Also on the same date, time and place disobeyed the lawful order of any authority or of any person entrusted with a public service ;

e) Also on the same date, time and place disturbed the public good order or the public peace ;

f) Also on the same date, time and place, in any public place or any place open to the public, was found drunk and incapable of taking care of himself ;

g) Also on the same date, time and place, committed any other violation of another person's property at the Clique Bar, St. George's Road, St. Julians to the detriment of Marco Bonnici and/or any other person ;

The Court is humbly requested, in order to provide for the safety of the public officers involved, in addition to, or in lieu of the punishment applicable to the offences, require the offender to enter into his own recognizance in a sum of money to be fixed by the court.

Having seen all the acts of the proceedings including the Attorney General's consent dated 13th April 2010

(exhibited a folio 13 of the proceedings) for this case to be treated summarily.

Having heard that the accused declares that he has no objection that this case is heard summarily.

Having heard the accused plead guilty to the charges brought against him, notwithstanding the fact that the Court warned him of the consequences of his guilty plea after having afforded him sufficient time within which to withdraw his guilty plea.

Having heard the guilty plea of the accused to the charges brought against him the Court has no alternative but to declare the accused guilty of the said charges brought against him.

With regards to punishment the Court took into consideration the fact that the accused has a clean criminal record. The Court also took into consideration the fact that he co-operated with the police.

The Court after having seen sections 17, 261(b), 278(1), 325 (1) (b), 95, 338(ee), 338(dd), 338(ff), 340(d) and 383 of Chapter 9 of the Laws of Malta, finds the accused guilty of all the charges brought against him and condemns him two(2) years imprisonment which in terms of section 28A of Chapter 9 of the Laws of Malta are being suspended for a period of four(4) years from today.

In terms of section 28H of Chapter 9 of the Laws of Malta, the Court condemns the accused to pay Marco Bonnici the sum of five hundred euros (€500) within six(6) months from today.

< Final Judgement >

Informal Copy of Judgement

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