



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

**MAGISTRATE DR.
MARSEANN FARRUGIA**

Sitting of the 6 th November, 2010

Number 1163/2010

**The Police
(Inspector Trevor Micallef)**

vs.

Hassan Mohamed Abubaker

The Court,

Having seen the charges brought against Hassan Mohamed Abubakar, 33 years, son of Muhammed and Orelo nee' Habiba, born on the 3rd February 1977 in Somalia and residing Hangar 9, Hal Far Open Centre, Limits of Zurrieq, holder of Maltese identity card no 55879 (A), Immigration Police no 09Q72.

Charged with having on these islands on the 6th November 2010 at about 1.15am from inside a vehicle registration no ABG 707, make Kia which was parked in St George's Road, St Julians and/or in the vicinity:

Committed theft of mobile phone make 'HTC' together with the charger, a bottle of perfume styled 'Versace' which costs about 50 Euro and 200 Euro in cash to the detriment of Philip Fiteni, which theft is aggravated by 'amount, 'means', 'time and 'nature of the thing stolen.'

Accused further that on that same date, time, place and circumstances, wilfully committed any spoil, damage or injury to or upon movable or immovable property mobile phone cover and vehicle's ashtray pertaining to vehicle registration no. ABG 707, make Kia which damage does not exceed Euro 116.47 (LM50) but exceeds the amount of Euro 23.29 (LM10).

After having heard the evidence and seen the all the records of the case.

After having heard the accused plead guilty to the charge at an early stage of the proceedings, which admission was confirmed by the same accused even after the Court, in terms of Section 453(1) of Chapter 9 of the Laws of Malta, warned him of the legal consequences of that admission, and allowed him sufficient time to re-consider his reply, and to change it;

After having heard the oral submissions on the punishment;

Considered that:

From the evidence brought forward and from the guilty plea filed by the accused himself, the Court concludes that the accused is guilty of the charges laid against him.

As regards the punishment, the Court took into consideration the fact that the accused admitted to the charges at a very early stage of the proceedings, that he has a clean criminal record, that he returned some of the items stolen, and that the money stolen in cash was not returned.

The Court, after seeing Sections 261(b), (c), (f) and (g), Sections 263(a), 267, 270, 271(g) and 325(1)(c) of

Chapter 9 of the Laws of Malta, finds the accused guilty as charged, and condemns him to ten (10) months imprisonment, but in the light of the considerations above-mentioned, this term of imprisonment is being suspended for a period of three (3) years from to-day, in terms of Section 28A(1) of Chapter 9.

In terms of Section 28H(1) of Chapter 9 of the Laws of Malta, the Court is also ordering the offender to pay the sum of three hundred and ten Euro (€310.00) to the injured party, within the period of six (6) months from to-day, which amount represents as to the amount of two hundred Euro (€200) the amount stolen and not returned, and the balance of one hundred and ten Euros (€110.00) represents the amount which this Court is liquidating as damages caused by the offender to the injured party.

In accordance with Sections 28A(4) and 28H(7) of Chapter 9 of the Laws of Malta, the Court explained in clear and simple language the meaning of this judgement to the offender, and the consequences which would follow if he fails to abide by it, that is if he commits another offence which is punishable by imprisonment within the operative period, and/or if he fails to pay the injured party the amount prescribed above within the time limit stipulated above.

The Court orders that the records of these proceedings together with this judgment are sent to the Office of the Attorney General, within the time-limit stipulated by law.

< Final Judgement >

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