



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

**MAGISTRAT DR.
AUDREY DEMICOLI**

Seduta tas-27 ta' Jannar, 2011

Numru. 241/2010

**Police
Inspector Joseph Mercieca**

vs

Mohammed Awal

The Court;

Having seen that the accused Mohammed Awal of 31 years, son of Mohammed Ahmed and Rakeya nee' Hassan, born in Sierra Leone on the 8th May, 1979 without fixed address and holder of immigration certificate no. 5988AA and personal (police) no. 07G-024 was arraigned before it and charged with having:

On the 27th January, 2010 at about midnight in New Street off Triq il-Port Ruman in Qawra, limits of St. Paul's Bay:

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1. Committed theft of a mobile phone LG from the person of Maria Pisani which theft is aggravated by violence in terms of Article 262(1)(a)(b) and by time;
2. Without a lawful order from the competent authorities, and saving the cases where the law authorises private individuals to apprehend offenders, arrested, detained or confined Maria Pisani against her will;
3. Without intent to kill or to put the life of Maria Pisani in manifest jeopardy, caused slight bodily harm on the person of Maria Pisani as certified by Dr. Andrew Amato Gauci M.D. from the Mosta Health Centre;
4. Committed a violent incident assault on the person of Maria Pisani, who is a sixteen year old minor, in terms of Article 207 of Chapter 9 of the Laws of Malta.

Having seen all documents and records of the proceedings including the note filed by the Attorney General (fol 136) dated 4th June 2010 whereby he transmitted the acts and records of the preliminary investigation to be heard and decided by this Court as a Court of Criminal Judicature and whereby he deemed that from the preliminary investigation there might result an offence or offences under the provisions of:-

- (a) in section 261(a)(f), 262(1)(a)(b), 270, 274(c), 275 and 277(a) of the Criminal Code;
- (b) in section 214, 215 and 221(1) of the Criminal Code;
- (c) in section 207 and 202(d)(f)(i) of the Criminal Code;

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

Having heard the accused plead guilty to the charges brought against him during the sitting of the 27th January 2011, notwithstanding the fact that the Court warned him of the consequences of his guilty plea after having

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afforded him sufficient time within which to withdraw his guilty plea.

Having heard the accused plead guilty to the charges brought against him the Court has no alternative but to find the accused guilty of the said charge.

The Court deems that in view of the seriousness of the crimes for which the accused is being found guilty an effective prison term is the most adequate punishment in the circumstances.

After having seen sections 262(1)(a)(b), 270, 274(c), 275, 277(a), 86, 87(1)(c)(g), 214, 215, 221(1), 207, 202(d)(f)(1) of the Criminal Code and the Attorney General's note dated 6th June 2010 the Court finds the accused guilty of all the charges brought against him and condemns him sixteen(16) months imprisonment. The Court orders that the time which the accused has spent in preventive custody in connection with the case is deducted from this term.

< Sentenza Finali >

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