



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

**MAGISTRATE DR.
ANTONIO MICALLEF TRIGONA**

Sitting of the 28 th November, 2012

Number 558/2012

The Police
(Inspector Godwin Scerri)

vs.

Vintila-Iounut Saimu
Cosmin-Bogdan Tofan

The Court,

Having seen the charges brought against the accused respectively holders of Romanian identity card numbers 1840601375549 VS475768 and 11911106375475 GL468148, charged with having:

1. on the night of the 25th May 2012 at around 3:00a.m. while being at Hugos Club, St Georges Rd, St Julians, committed theft qualified by time, of various objects which items total value does not exceed 232.94

Euros to the detriment of Laura Triebert – in breach of Article 261(f) of Chapter 9 of the Laws of Malta;

The Court is requested that (1) if Vintila-Iounut is found guilty to consider him to have breached Article 23 of Chapter 446 (Probation Act); (2) if both accused are found guilty to consider them as recidivists as per Article 49, 50, 289 of Chapter 9 of the Laws of Malta.

Having seen the Attorney General's note that the case be heard summarily to which the accused have not opposed;

Having heard the evidence;

Having seen the Court's last minute;

Considers:

That the evidence is overwhelmingly against both of the accused. It consists of eyewitnesses, one of whom saw accused Saimu take the items, a purse and a mobile phone, from the stolen person's hand bag which she had strapped over her shoulder and another eyewitness who saw the accused Tofan throw the said items on the floor. Evidence is clear as to the fact that this had occurred inside Hugos Club in St Julians. There is also evidence to the effect that a search carried out on the person of accused Tofan outside the establishment yielded an amount of 30 Euros which corresponds to the amount which the stolen person had approximately declared to have had and which she had missing. In the face of this evidence the Court finds both of the accused guilty in so far as to the first charge which refers to the theft.

As for the rest acquits them on the lack of sufficient evidence.

Consequently, having seen Article 261(f) and 281(a) of Chapter 9 condemns them to seven months imprisonment each.

< Final Judgement >

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