



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

**Magistrate Dr. Joseph Mifsud B.A. (Legal & Int. Rel.),
B.A. (Hons), M.A. (European), LL.D.**

**The Police
(Inspector Bernard Charles Spiteri)**

vs.

**Mohamud Ahmed Dahir
Abdinasir Farah Ali**

Number: 74/2016

Today 22nd of November 2016

The Court,

Having seen the charges brought against **Mohamud Ahmed Dahir**, holder of Identity Card Number 900773(A), aged twenty (20) years, son of Ahmed and Teereg neé Dahir, born in Ethiopia, on the 9th May 1996, and residing at 56, Flat 3, John Otto Bayer Street, Xaghra, and **Abdinasir Farah Ali**, holder of Identity Card Number 9000669A, aged 20 years, son of Farah Ali and Fatima nee' Ali, born in Hiran Somalia, on the 1st January 1996, and residing at 'Ta' Kelina, Block B, Flat G, Triq l-Arcipriet Saver Cassar, Nadur, charged with having on the 6th November 2016, at around 02.45a.m. whilst at Munxar and/or villages around Gozo and/or in the vicinity;

1. Committed theft of a vehicle of the make Isuzu with registration plates CBT821, which value exceeds two thousand and three hundred and twenty-nine euro and thirty seven cents (2,329.37), to the detriment of Mario Vella, which theft is aggravated by amount, time and the nature of the thing stolen;
2. And also for having during the same date, place, circumstances and time, in Gozo, driven a vehicle of the make Isuzu with registration plates CBT821, without a licence issued from the competent authority in a reckless, negligent and dangerous manner;
3. And also for having on the same date, time, place and circumstances, driven a vehicle of the make Isuzu with registration plates CBT821, without being covered with an insurance policy;

Abdinasir Farah Ali charged with having;

4. For having on the 6th November 2016, at some time between 02.45a.m. whilst at Munxar and in other villages in Gozo through imprudence, negligence or unskilfulness in his trade or profession, or through non-observance of any regulation, whilst driving vehicle of the make Isuzu with registration plates CBT821, caused involuntary damage to a vehicle of the make Alfa Romeo with registration plates BCF794 to the detriment of Charlton Scicluna;

Mohamud Ahmed Dahir charged with having;

5. And also for having on the 6th November 2016, at 02.45a.m. whilst at Xewkija in Gozo through imprudence, negligence or unskilfulness in his trade or profession, or through non-observance of any regulation, whilst driving vehicle of the make Isuzu with registration plates CBT821, caused involuntary damage to the property of Mario Saliba and Christopher Paul Bicker.

The Prosecution asked the Court to disqualify the offender for holding or obtaining a driving license for a period of time that the Courts deems it is fit.

Having seen the documents exhibited and all the acts of the proceedings.

Having heard, during the sitting of the 22nd. November 2016 (*a fol. 32 et seq.*), the accused Ahmed Dahir Mohamud plead guilty to the charges numbered one (1) and four (4) brought against him, and the accused Abdinasir Farah Ali plead guilty to the charges numbered one (1) and five (5) brought against him, notwithstanding the fact that the Court in terms of Section 453(1) of Chapter 9 of the Laws of Malta warned them in the most solemn manner of the legal consequences of their guilty plea after having given them sufficient time within which to reconsider and withdraw their guilty plea.

Having heard that with reference to charge numbered (3) the Prosecution agrees that the accused are not guilty and thus the Prosecution is withdrawing the charge indicated.

Having heard that with reference to charge numbered (2) it is agreed that the accused have driven with a reckless manner;

Having heard the defence declare that it has no evidence to produce in this case.

Having heard submissions by the parties, all agreeing on the punishment to be meted out to the accused;

Considers;

That in view of the guilty plea to the charge brought against them, and since there is no reason emanating from these proceedings why this Court should not accept such plea, it is the duty of this Court to proceed with judgement and declare the accused guilty as charged.

In the context of punishment to be meted out to the accused, the Court is taking into consideration the following factors namely that

the accused cooperated with the police and that the accused pleaded guilty to the charge at the earliest opportunity in these proceedings.

Decide:

Therefore, the Court, for the above mentioned reasons and after having seen the Articles 261(c)(f)(g), 267, 270, 271(g) 325 (1)(b) and 325(1)(c) of Chapter 9 and Article 15(1)(a) of Chapter 65 of the Laws of Malta, finds the accused Mohamud Ahmed Dahir guilty of the first (1^{st.}), the second (2^{nd.}) and fifth (5th) charges brought against him, and accused Abdinasir Farah Ali guilty of the first (1^{st.}), the second (2^{nd.}) and forth (4th) charges brought against him and condemns both of the accused to two (2) years imprisonment.

The Court also condemns both of the accused to a fine a one hundred Euro (€100) each and orders that both of them be disqualified from holding or obtaining a driving licence for a period of eight (8) days starting from today.

The Court orders that a copy of the acts together with the judgement be notified to the Attorney General.

Dr. Joseph Mifsud
Magistrate