



MALTA

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

**MAGISTRATE
DR. CHARMAINE GALEA**

Today, 18th November 2017

Case number 516/17

**The Police
(Inspector Nikolai Sant)**

Vs

AB

The Court;

Having seen that the offender **AB** was charged with having in these Islands between the 15th September 2017 and the 15th October 2017 at the XY Restaurant;

Committed a theft of cash amounting to 4000 Euros to the detriment of CD and/or other persons or entities, which theft is aggravated by 'value' (exceeds two thousand and three hundred and twenty-nine euro and thirty-seven cents (2,329.37), by 'time' and 'person'; (267, 268, 270 Chapter 9 of the Laws of Malta)

Having seen the documents submitted by the Prosecution;

Having heard the injured party declare that he is ready to forgive the offender and that, if the Court deems fit, he can be repaid the damages suffered in a period of two (2) years;

Having heard the offender plead guilty to the charge proffered against him; which plea was reconfirmed after the Court gave him sufficient time to reconsider it;

Having heard the oral submissions about the punishment;

Considered that:

From the evidence brought forward and from the guilty plea registered by the offender himself, the Court concludes that the offender is guilty of the charge laid against him.

As regards the punishment, the Court took into consideration the fact that the offender admitted to the charge at an early stage of these proceedings, that the offender has a clean conviction sheet, that he is willing to repay the damages suffered by the injured party and that the injured party has forgiven the offender for his acts.

Hence the Court, after seeing articles 18, 261, 267, 268, 270 and 279 of the Criminal Code, declares the offender **AB** guilty of the charge laid against him and by application of Article 7 of Chapter 446 of the Laws of Malta is putting the offender under a **Probation Order** for a period of **three (3) years** from today, with the conditions as stipulated in the same Probation Order herewith attached and which forms an integral part of this judgement.

The Court is also placing the offender under a **Treatment Order** in terms of Section 412D of Chapter 9 of the Laws of Malta, in order for him to address his drug habit problem, under those terms and conditions set out in the decree attached to this judgement, which decree shall form an integral part of this judgment.

In terms of section 24 (1) of Chapter 446 of the Laws of Malta, the Court is also ordering the offender to **pay the injured party CD the sum of four thousand euro (€4000)** within a period of two (2) years from today in monthly payments of two hundred and twenty five euro (€225) with the first payment being affected by the offender not later than the first (1st) of June 2018.

The Court, in terms of article 7 (7) of Chapter 446 of the Laws of Malta, has warned the offender about the legal consequences if he commits another crime within the prescribed operative period of the Probation Order and/or if he fails to abide by one of the orders stipulated in the Probation Order, and the offender confirmed his will that he will abide by this Probation Order. The Court also explained to the offender the consequences provided for in Section 412D (4) of Chapter 9 of the Laws of Malta, should it be proved to the Court's satisfaction that the offender has failed to comply with any of the requirement or conditions of the Treatment Order.

The Court orders that a copy of this judgement, together with the Probation order and the Treatment Order be sent to the Director Probation Services and Parole so that he assigns a probation officer to be responsible for the supervision of the probationer.

Finally the Court orders that this judgement together with the acts of this case be sent to the Office of the Attorney General within the time prescribed by law.

Dr. Charmaine Galea
Magistrate

Diane Gatt
Deputy Registrar