



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

Magistrate Dr. Monica Vella LL.D., M.Jur

**The Police
(Inspector. Joseph Mercieca
Inspector Mario Sciberras)**

vs

Ibrahim Barkallil sive Bargalel

Today, 13th July, 2018

The Court;

Having seen the accusations brought against:

Ibrahim Barkallil sive Bargalel, holder of Maltese Identity Number 136984A.

Accused with having on the 8th November, 2016, at about noon, and/or before the given time, by several acts committed by the offender, even if at different times, but which constitute violations of the same provision

of the law, and which were committed in pursuance of the same design, in Triq Gorg Borg Olivier, San Giljan:

1. From Hyde Park Towers, Flat 15, committed theft of valuables, which included a lap-top computer, which theft is aggravated by violence, by means, by amount, not exceeding two thousand and twenty-nine Euros and thirty-seven cents (€2329.37), and by place, to the detriment of Mr Hans Michael Juniwik and Mrs. Madeleine Grace Juniwik and/or to any other person/s and/or entity/entities; moreover, with the intent to commit a crime (theft) in the same premises, manifested such intent by overt acts which were followed by the commencement of the execution of the crime, which crime was not completed in consequence of some accidental cause independent of the will of the offender, however, if the crime was completed it would have constituted a theft aggravated by violence, by means by amount, exceeding two thousand and twenty-nine Euros and thirty-seven cents (€2329.37), and by place, to the detriment of Mr Hans Michael Juniwik and Mrs Madeleine Grace Juniwik and/or to any other person/s and/or entity/entities.
2. From Regent Park Towers Flat 15, with intent to commit a crime (theft), manifested such intent by overt acts which were followed by the commencement of the execution of the crime, which crime was not completed in consequence of some accidental cause independent of the will of the offender, however if the crime was completed it would have constituted a theft aggravated by violence, by means, by amount, exceeding two thousand and twenty-nine Euros and

thirty-seven cents (€2329.37), and by place, to the detriment of Dr Graham Edwin Busuttil LL.D and Mrs Charlotte Busuttil and/or to any other person/s and/or entity/entities.

3. From Richmond Park Towers Apartment no. 12, committed a theft of a satellite box, which theft is aggravated by violence, by means, by amount, not exceeding two thousand and twenty-nine Euros and thirty-seven cents (€2329.37), and by place, to the detriment of Mr Jaime De Bono and/or to any other person/s and/or entity/entities.
4. At all afore-indicated locations, at the time of committing a crime against the safety of the government or against the person (other than involuntary homicide or involuntary bodily harm) or of theft or injury to property (other than involuntary injury to property), had on his person any arm proper or ammunition or any imitation thereof.
5. Carried outside any premises or appurtenance thereof, a knife or cutting or pointed instrument of any description without a license or permit from the Commissioner.

The Court is kindly requested to order the accused, if convicted, to pay the cost incurred in connection with the appointment of court experts in the course of the in genere relative to the appointed charges, in terms of Article 533 of Chapter 9 of the Laws of Malta.

Having seen all documents exhibited by the Prosecution;

Having seen the records of the case;

Having explained to the accused the charges against him;

Having heard the Prosecution declare that it is withdrawing charge number five (5).

Having heard the accused plead guilty to charges number one to number four in today's sitting, and this in the presence of Defence Counsel Dr. Noel Bezzina and Dr. David Saliba, thus upon such guilty plea the Court can only find the accused guilty as charged;

Having warned the accused of the legal consequences of such guilty plea and having given the accused further time to reconsider his guilty plea and having heard the accused reconfirm his guilty plea during his arraignment before this Court and thus said guilty plea was registered in the acts of today's sitting, the 13th July 2018;

Having heard the submissions of the parties;

Therefore;

The Court, upon the guilty plea registered by the accused, can only find the accused guilty as charged.

The Court, in deliberating upon the punishment applicable to this case, takes into consideration the registering of such guilty plea at this early stage of the proceedings, the accused's clean conviction sheet, the

collaboration of the accused with the police and the gravity of the charges brought against him.

The Court, after having seen Articles 18; 41(1)(a), 261, 262(1)(a)(b)(2), 263(a), 264(1), 265, 266(1)(2), 267, 269(g), 276, 277(b), 278(3), 279(a)(b), 280(2), 281(a) and 533 of Chapter 9 and Articles 6, 51(7), and 55(a) of Chapter 480 of the Laws of Malta, hereby finds the accused guilty as charged and condemns the accused to a term of imprisonment of eighteen (18) months which by the application of Article 28A of Chapter 9 of the Laws of Malta are being suspended for three and a half (3½ years) and binds the accused with an order of payment for the damages caused.

The Court also orders the accused to pay all expenses which regard to the appointment of experts in the *in genere*/magisterial inquiry which led to this arraignment.

The Court explained in ordinary language to the accused his obligations arising out of this judgement.

Since the Prosecution does not have the consent of the Attorney General for this case to be tried summarily, the Court orders that these acts be transmitted to the Attorney General within the time prescribed by law.

(ft) Magistrat Dr. Monica Vella LL.D, M. Jur.

(ft) Angelo Buttigieg
Deputy Registrar