



MALTA

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

**MAGISTRATE
DR. CHARMAINE GALEA**

Today the 15th of March 2019

Case number 157/19

**The Police
(Inspector Wayne Camilleri)
(Inspector Shaun Pawney)**

Vs

**Mohammed Kaveh Tahmasebi Ghareh Shiran
(ID: 200894A)**

The Court;

Having seen that the offender **Mohammed Kaveh Tahmasebi Ghareh Shiran** was charged with having:

1. On the 27th of February 2019 at around 16.45hrs and/or in other different times in the outlet of iCentre, located in High Street, Sliema, by means of any unlawful practice, or by the use of any fictitious name, or the assumption of any false designation, or by means of any other deceit, device or pretence calculated to lead to the belief in the existence of any fictitious enterprise or of any imaginary power, influence or credit, or to create the expectation or apprehension of any chimerical event, committed fraud of more than €500 but less than €5000, to the detriment of SG Solutions Ltd and/or other persons, in breach of article 308, 310(1)(b) of Chapter 9 of the Laws of Malta.

2. Also charged with having on the 27th of February 2019 at around 18.00hrs and/or in other different times in the outlet of iCentre, located in High Street, Sliema, by means of any unlawful practice, or by the use of any fictitious name, or the assumption of any false designation, or by means of any other deceit, device or pretence calculated to lead to the belief in the existence of any fictitious enterprise or of any imaginary power, influence or credit, or to create the expectation or apprehension of any chimerical event, committed fraud of more than €500 but less than €5000, to the detriment of SG solutions Ltd and/or other persons, in breach of article 308, 310(1)(b) of Chapter 9 of the Laws of Malta.
3. Also charged with having on the 28th of February 2019 at around 13.05Hrs and/or in other different times in the outlet of iCentre, located in Joe Gasan Street, Pieta' by means of any unlawful practice, or by the use of any fictitious name, or the assumption of any false designation, or by means of any other deceit, device or pretence calculated to lead to the belief in the existence of any fictitious enterprise or of any imaginary power, influence or credit, or to create the expectation or apprehension of any chimerical event, committed fraud of more than €5000, to the detriment of SG solutions Ltd and/or other persons, in breach of article 308, 310(1)(a) of Chapter 9 of the Laws of Malta.
4. Also charged with having on the 1st of March 2019 at around 13.40hrs and/or in other different times in the outlet of iCentre, located in Joe Gasan Street, Pieta', by means of any unlawful practice, or by the use of any fictitious name, or the assumption of any false designation, or by means of any other deceit, device or pretence calculated to lead to the belief in the existence of any fictitious enterprise or of any imaginary power, influence or credit, or to create the expectation or apprehension of any chimerical event, committed fraud of fraud of more than €5000, to the detriment of SG solutions Ltd and/or other persons, in breach of article 308, 310(1)(a) of Chapter 9 of the Laws of Malta.
5. Also charged with having on the 2nd of March 2019 at around 09.55Hrs and/or in other different times in the outlet of iCentre, located in Dun Karm street, B'Kara, by means of any unlawful practice, or by the use of any fictitious name, or the assumption of any false designation, or by means of any other deceit, device or pretence calculated to lead to the belief in the existence of any

fictitious enterprise or of any imaginary power, influence or credit, or to create the expectation or apprehension of any chimerical event, committed fraud of fraud of more than €5000, to the detriment of SG solutions Ltd and/or other persons, in breach of article 308, 310(1)(a) of Chapter 9 of the Laws of Malta.

6. Also charged with having on the 26th of March 2019 at around 14:05hrs and/or in other different times in the outlet of Alfons Enterprises Ltd, located in Guze Pace Street, Hamrun, by means of any unlawful practice, or by the use of any fictitious name, or the assumption of any false designation, or by means of any other deceit, device or pretence calculated to lead to the belief in the existence of any fictitious enterprise or of any imaginary power, influence or credit, or to create the expectation or apprehension of any chimerical event, committed fraud of fraud of not more than €500, to the detriment of Godfrey Zammit and/or other persons, in breach of article 308, 310(1)(c) of Chapter 9 of the Laws of Malta.
7. Also charged with having on the 5th of March 2019, at around 17:55hrs from the outlet of iCentre located in Joe Gasan Street, Pieta' and /or in other places within the Maltese Islands, committed theft of mobile phones and /or other objects, which theft is aggravated with 'value', of more than 2329.37e, to the detriment of SG Solutions LTD, and/or other person/s and/or other entities in breach of articles 261 (c), 267, 279(b) of chapter 9 of the Laws of Malta.
8. Also charged with having on the 26th of February 2019 and/or in other days before in the vicinities of Guze Ellul Street, and/or in the Maltese Islands committed theft, when not accompanied with any of the aggravating circumstances specified in article 261, being simple theft to the detriment of Godfrey Zammit and/or other persons and/or other entities in breach of articles 284 of chapter 9 of the Laws of Malta.
9. Also charged with having on the 13th of March 2019, at around 13:30hrs from Zimelli Street, Hamrun and /or in other places within the Maltese Islands, committed theft of a mobile phone and of cash and /or other objects, which theft is aggravated with 'value', of more than 232.94e but does not exceed 2329.37e , to the detriment of Irene Vella of 76 years of age, and/or other person/s and/or other entities in breach of articles 261(c), 267, 279(a) , 257D (b) of chapter 9 of the Laws of Malta.

Having seen the documents exhibited by the Prosecution;

Having heard the offender plead guilty to the charge at an early stage of the proceedings, which guilty plea was confirmed by the same offender after the Court, in terms of section 453 (1) of Chapter 9 of the Laws of Malta, warned him of the legal consequences of that guilty plea, and allowed him sufficient time to re-consider his reply, and to change it;

Considered that:

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

As regards the punishment, the Court took into consideration the fact that the offender has a clean conviction sheet, that he collaborated with the investigators and that he registered an early guilty plea.

For these reasons, the Court, after having seen sections 18, 261, 267, 279(a) and (b), 257D (b), 284, 308, 310(1)(a), (b) and (c) on his admission, finds offender **Mohammed Kaveh Tahmasebi Ghareh Shiran** guilty of all the charges brought against him and condemns him to a term of imprisonment of four (4) years.

Finally, the Court is not taking cognisance of the request to order the offender to pay any expenses relating to experts in terms of section 533 of the Criminal Code since no experts were nominated in these proceedings.

Dr. Charmaine Galea
Magistrate

Diane Gatt
Deputy Registrar