



**MALTA**

**COURT OF MAGISTRATES (MALTA)  
AS A COURT OF CRIMINAL JUDICATURE  
MAGISTRATE DR.GABRIELLA VELLA B.A., LL.D.**

**Police  
(Inspector Clayton Camilleri)**

**Vs**

**Mihai-Marian Bineata  
Denis-Florih Bineata**

**Today 15<sup>th</sup> February 2020**

**The Court,**

After having considered the charge brought against Mihai-Marian Bineata, son of unknown father and Florentina neè Skurtu, born in Romania on the 19<sup>th</sup> January 1977 without residence, holder of Romanian Identity Card Number ZL 202159 – 1770119170396 and against Denis-Florih Bineata son of Mihai-Marian Bineata and Lucia neè Kiper, born in Romania on the 10<sup>th</sup> August 1999, without residence, holder of Romanian Identity Card Number ZL 006149 – 1990810170021, of having between the months of December 2019 and February 2020, with several acts committed by them during different times that constitute violations of the same provision of the law and in pursuance of the same design, from ‘Pama Supermarket’ situated in Valletta Road, Mosta, committed the theft of several products and items aggravated by value and time, in breach of Section 18, 261, 267 and 270 of Chapter 9 of the Laws of Malta;

After having considered the documents submitted by the Prosecution namely: (i) a Police Report regarding the incident - Doc. “A”; (ii) a statement given by the accused Denis-Florih Bineata - Doc. “B”; (iii) a statement given by the accused Mihai-Marian Bineata - Doc. “C”; (iv) a photocopy the Romanian Identity Card of the two accused - Doc. “D”; (v) the conviction sheet of the accused Denis-Florih Bineata - Doc. “E”; (vi) the conviction sheet of the accused Mihai-Marian Bineata - Doc. “F”; (vii) the consent by the Attorney General in the Maltese language Doc.

“G1” and in the English language Doc. “G2”; (viii) a document issued by PAMA Supermarket indicating the total value of stolen items - Doc. “H”; and (ix) CCTV footage from PAMA Supermarket - Doc. “I”;

After having heard both accused declare that they have no objection to their case being dealt with summarily and both plead guilty to the charge brought against them, which guilty plea was confirmed by them even after the Court, in terms of Section 392A(1) of Chapter 9 of the Laws of Malta, warned them in the most solemn manner of the legal consequences of their guilty plea and after having given them sufficient time within which to reconsider and withdraw their guilty plea;

After having considered all the records of the proceedings;

### **Considers:**

The accused are being charged of having between the months of December 2019 and February 2020, with several acts committed by them during different times that constitute violations of the same provision of the law and in pursuance of the same design, from ‘Pama Supermarket’ situated in Valletta Road, Mosta, committed the theft of several products and items aggravated by value and time, in breach of Section 18, 261, 267 and 270 of Chapter 9 of the Laws of Malta.

The accused both pleaded guilty to the charge brought against them and in the light of said guilty plea the Court finds them both guilty of the said charge so brought against them.

In so far as concerns punishment the Court took into account the fact that both accused have a clean conviction sheet, that they submitted a guilty plea at an early stage of the proceedings, that they co-operated with the Police and they are willing to pay for the stolen items.

Now therefore after considering Sections 18, 31, 261 (c) and (f), 267, 270, 279(a) and 280(1) of Chapter 9 of the Laws of Malta, the Court, whilst reiterating that it is finding both accused guilty of the charge brought against them, condemns each one of them to nine (9) months imprisonment, however, it deems that in the circumstances of this case there are sufficient reasons, namely the clean conviction sheet of the accused, the fact that they co-operated with the Police and that they are willing to re-pay the value of the stolen items, which warrant that the said term of imprisonment be suspended and therefore in terms of Section 28A of Chapter 9 of the Laws of Malta suspends, for each one of the accused, the said term of nine (9) months imprisonment imposed for a period of two (2) years from date of this judgment.

In terms of Section 28A(4) of Chapter 9 of the Laws of Malta, the Court explained to both accused in plain language their liability under Section 28B of Chapter 9 of the Laws of Malta if during the operational period of this suspended sentence they commit an offence punishable with imprisonment.

In terms of Section 28H of Chapter 9 of the Laws of Malta, the Court condemns the accused to pay to PAMA Supermarket the sum of four hundred Euros (€400) with immediate effect and the remaining balance one hundred ninety eight Euros and eighty four cents (€198.84) within four (4) days from today. The Court explained to both accused in plain language their liability under Section 28H of Chapter 9 of the Laws of Malta if they fail to pay the balance of €198.84 within the period of four days from date of this judgement.

**MAGISTRATE**

**DEPUTY REGISTRAR**