



MALTA

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

**MAGISTRATE
DR. CHARMAINE GALEA**

Today, 7th of September 2020

Case number 436/2020 CG

**The Police
(Inspector Leeroy Balzan Engerer)**

vs

**Hassan Smaila Mohammed
(Maltese Residence Permit number 46727A)**

The Court:

Having seen that the offender **Hassan Smaila Mohammed** was charged with having on the 18th June 2020 between two-thirty and three in the morning (02:00hrs - 03:00hrs) in St. Julian's:

1. Committed theft of money equivalent to two-hundred and forty euros (€240) to the detriment of Mr. Umair Shazdad, where such theft is aggravated by ‘amount’ and ‘time’; *Articles 261(c)(f), 267, 270, 279(a), 280 of Chapter 9 of the Laws of Malta*
2. Lead an idle and vagrant life; *Article 338 (w) of Chapter 9 of the Laws of Malta*
3. Became a recidivist by a number of judgements of the Court of Magistrates, which judgements have become res judicata; *Articles 49, 50 and 289 of Chapter 9 of the Laws of Malta.*

After having seen all the records of the case;

Having seen the consent of the Attorney General for this case to be dealt with summarily;

After having heard the offender plead guilty to the charges laid against him 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 of the punishment for each charge against him, and allowed him sufficient time to reconsider his reply, and to change it;

After having heard the oral submissions on the punishment;

Considered that:

From the evidence brought forward 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 admitted to the charges at a very early stage of the proceedings, that he co-operated with the police but also that he is a recidivist. The Court also took into consideration that the accused committed the charges as he was destitute. However, this is not a legal justification for the commission of these offences.

Hence the Court is of the opinion that the punishment to be inflicted in the circumstances should be that of an effective prison term, although this term is going to be closer to the minimum than to the maximum.

DECIDE

For these reasons, the Court, after seeing sections 49, 50, 261 (c) and (f), 267, 270, 279 (a), 280, 289 and 338 (w) of Chapter 9 of the Laws of Malta, declares the accused **Hassan Smaila Mohammed** guilty of all the charges laid against him and condemns him to **eighteen (18) months imprisonment**.

**Dr. Charmaine Galea
Magistrate**

Diane Gatt
Deputy Registrar