



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

**MAGISTRATE DR MARSE-ANN FARRUGIA LL.D.**

**Sitting held today Wednesday, 27th April 2022**

**The Police  
(Inspector Colin Sheldon)**

**vs**

**Jack Daniel Bengtsson**

The Court,

1. Having seen the charges brought against:

Jack Daniel Bengtsson of 27 years of age, son of Anders and Monia nee' Jansson born Satila, Sweden on the 28th June 1994, residing at 76, Flat 1, The Strand, Sliema and holder of Swedish Passport with number 36303253.

Charged with having with at [sic] 76, Flat 1, The Strand, Sliema and in these islands, on the 14th February 2022 and days before:

1. Committed theft of money, which theft is aggravated by 'amount' that exceeds two hundred thirty-two euros and ninety-four cents (€232.94) but not two thousand three

hundred twenty-nine euro and thirty-seven cents (€2,329.37) and is aggravated by 'place' when committed in a residence and aggravated by 'time' and this to the detriment of Juan Andres Betancur Meneses and/or other persons.

2. Having seen the consent of the Attorney General in terms of Article 370(4) of the Criminal Code for this case to be dealt with summarily, and having heard the defendant declare that he has no objection that his case be dealt with in this manner.
3. Having heard the evidence and saw all the records of the case and the documents exhibited.
4. Having seen that in the sitting of the 23<sup>rd</sup> February 2022, the defendant registered a guilty plea to the charges brought against him.
5. The Court warned the defendant of the serious consequences of his registering a guilty plea and in particular that the maximum punishment for the offences preferred against him is of three (3) years imprisonment, and suspended the sitting so that the defendant could consult with his defence lawyer to see whether he wanted to retract his guilty plea.
6. When the case was called again, the Court asked the defendant whether he had enough time to consult his defense lawyer and he answered in the affirmative, and when asked by the Court whether he was going to confirm his guilty plea, the defendant replied in the affirmative.
7. The Court heard the submissions of the parties regarding the punishment.

### **Considerations of this Court**

8. From the guilty plea filed by the defendant himself, the Court concludes that the defendant is guilty of the charges brought against him.

9. As regards punishment, the Court considered that the defendant registered a guilty plea at a very early stage of the proceedings, namely in the second sitting of these proceedings, and hence did not waste the resources of the Court and of the Police.
10. The conviction sheet of the defendant is not relevant in this case, since from the statement of the defendant it results that he has only been living in Malta since August 2021.
11. The amount stolen is of two hundred and fifty Euro (€250), and the defendant stole them from another resident of the hostel in which both of them were residing at the time. Despite the fact that in the sitting of the 23<sup>rd</sup> February 2022, the defendant declared that he was prepared to refund the injured party the amount he stole from him, to-date he has failed to do so.
12. The Court must observe that it was impressed negatively by the defendant's behaviour during these proceedings. Despite the fact that this Court had ordered that a Probation Officer be appointed to draw up a report on whether the defendant is a suitable candidate to do community work free of charge, the defendant repeatedly failed to co-operate with the probation officer. Hence, the Court revoked *contrario imperio* the order given to the Probation Officer, in to-day's sitting.
13. Although the defendant was granted bail, he also failed to attend on time the sitting of the 24<sup>th</sup> April 2022, and the justification he gave for failing to do so, was not a credible one.
14. However, in meting out punishment, the Court took into consideration that the defendant already spent six (6) weeks under preventive arrest in connection with these proceedings.

## **Conclusion**

15. For these reasons, the Court:

1. after seeing Articles 261(c),(e) and (f), 267, 269(g), 270, 279(a) and 280(1) of the Criminal Code, Chapter 9 of the Laws of Malta, finds the defendant guilty of the charge preferred against him, condemns him to one year imprisonment, but in the light of the considerations above-mentioned, this term of imprisonment is being suspended for a period of three (3) years from to-day, in terms of Article 28A(1) of Chapter 9 of the Laws of Malta.
2. In terms of Article 28H of Chapter 9, the Court is also ordering the offender to pay the sum of two hundred and fifty Euro (€250.00) to the injured party, within the period of fifteen (15) days from to-day, which amount represents the amount of money stolen.

In accordance with Articles 28A(4) and 28H(7) of Chapter 9 of the Laws of Malta, the Court explained in clear and simple language the meaning of this judgement to the offender, and the consequences which would follow if he fails to abide by it, that is if he commits another offence which is punishable by imprisonment within the operative period, and/or if he fails to pay the injured party the amount prescribed above within the time limit stipulated above.

**Magistrate**

**Doreen Pickard**

**Deputy Registrar**