



MALTA

**QORTI TAL-MAGISTRATI (GUDIKATURA  
KRIMINALI)  
KUMPILAZZJONIJIET - NORMALI**

**MAGISTRAT DR.  
HAYMAN MIRIAM LL.D.**

Seduta ta' l-1 ta' Novembru, 2002

Numru 46/2002

**Today 1<sup>st</sup> November, 2002.**

**The Police  
(Insp. Carlo Ellul)**

**vs**

**John Barrie Ibbotson 64 years,  
born in England on 18.11.36,  
British Nationality, holder of ID Card  
No. 0018294A, and residing at  
No. 2, Alley 1, 'Hanini', St. Augustine  
Street, Rabat.**

The Court,

Has seen the charge against the abovementioned John Barrie Ibbotson with having on the 13<sup>th</sup> November, 2000 at about 9.30 hours and/or in the last months prior to this date as a person in charge or the occupier of premises No. 2 Alley 1, St. Augustine Street, Rabat by means of several acts, committed at different times in pursuance of the same design and which constitute violations of the same provisions of the law;

- (1) of having committed theft of electric current the value of which amounts more than Lm100 but less than Lm 1000 to the detriment of Enemalta Corporation, which theft is aggravated by means, time and amount, and
- (2) Of having wilfully damaged or broken any part of an energy meter, or the seals thereof, or any part of any apparatus or cables used for the supply of electricity, or seals thereof.

The Court was kindly asked to apply Sec. 533 of Chap 9.

Has seen the Attorney General's consent for summary proceedings.

Has seen that the accused had no objection for such proceedings.

Considers,

That as resulted from evidence tendered by the Enemalta employee and the court expert that the scratches found on the allegedly scratched disk were freshly made thus attributing the same to the accused due to the date of the acquisition of the property by the accused's wife.

On the other hand the accused raised doubts about the freshness of the scratches found on the disk insisting that the said disk was actually dusted by the Corporation's employees before the Court Expert actually examined the same: therefore his conclusions. On this point the Court feels that it must comment about the tampering with any evidence before the Court experts thus nominated in a Magisterial Inquiry accede to the place, otherwise the

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validity of the conclusions in the Inquiry, thus the importance of of the Scene of the Crime Officers.

Furthermore the accused categorically denied the charges brought against him explaining in the opinion of the Court to a point of probability as required by law his reasons why he should not be responsible for the alleged misused electricity and ensuing damages. This was done by explaining the confusion that arose due to his wrong reading of the electricity meter dials and furthermore the fact that the inspection was carried out specifically on accused's request which would be rather contradictory had he himself been responsible for tampering.

Thus the Court acquits for the reasons premised the accused.

Magistrat Dr Miriam Hayman LL. D.