



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

MAGISTRATE DR ELAINE MERCIECA LL.D

THE POLICE

(Inspector Lydon Zammit
Inspector Stephen Gulia
Inspector Jonathan Ransley)

against

FODAY SAIDY

Case No.: 184/23

Today, 7th of March 2023

The Court,

After having seen the charges brought against Foday Saidy of 25 years of age, son of Lamin Sily Saidy and Fatoudayo Saidy, born in Gambia on the 25th of March 1997, holder of the Identity Card 9001256A and not residing in a fixed address, accuse him for having on the 3rd of March 2023 between 09:15 Hrs and 09:45 Hrs Hrs from the establishment "IZIBET" situated in Princess Margaret Street, Msida

1. Committed theft of cash money, which theft is aggravated, **by violence and amount** which does not exceed two thousand and three hundred and twenty-nine euro and thirty-seven cents (€2,329.37), to the detriment of Sabrina Bejaoui and/or other person/s or any other entity.
2. On the same date, time, place and circumstances without a lawful order from the competent authorities, and saving the cases where the law authorizes private individuals to apprehend offenders, arrested, detained or confined Sabrina Bejaoui against her will and with the

intent of extorting money or effects, or of compelling her to agree to any transfer of property.

3. On the same date, time, place and circumstances carried outside any premises or appurtenance thereof, a knife or cutting or pointed instrument of any description without a licence or permit from the Commissioner of Police.

The Court is gently asked to in the case of a guilty plea orders the accused to pay the expenses in regards of the experts and architects nominated in these procedures according to article 533 of Chapter 9 of the Laws of Malta

The Court is gently asked to apply articles 383, 384, 385 u 412C of Chapter 9 of the Laws of Malta, for the safety and protection of the persons mentioned herewith.

After having seen that the accused registered a guilty plea, which plea was confirmed after the accused was explained by the Court the consequences thereof and after he was given ample time to consult with his lawyer and reconsider his plea;

After having seen all the documentary evidence and the full acts of proceedings;

After having heard all the testimonies and submissions made by the parties;

Considers:

The accused has admitted to the charges brought against him and thus these have been sufficiently proven in terms of law;

With reference to the penalty to be meted out, the Court, is taking into consideration the very serious nature of the offence for which the accused is pleading guilty and the fact that the offence was committed with violence and the use of a knife. In such circumstances the Court is of the opinion that the only appropriate punishment is that of effective imprisonment. Having said so, when considering the quantum the Court is also taking into account the accused's early guilty plea and his cooperation with the police.

Decide:

For these reasons, the Court, upon the accused's admission and after having seen articles 261(a), (c), 262(1)(a), (b), (2), 267, 275, 277(a), 279(a) and 280(2),

86, and 87(1)(c), (e) of the Criminal Code and articles 6 and 51(7) of the Cap. 480 of the Laws of Malta, is finding the accused guilty of the charges brought against him and is condemning him to the term of effective imprisonment of eighteen (18) months.

In terms of article 383 of the Criminal Code, the Court to provide for the safety of Ms. Bejaoui is also ordering the accused to keep the public peace and good order with the same Ms. Bejaoui for one year under the penalty of one thousand and five hundred (Eur. 1,500).

MAGISTRATE DR. ELAINE MERCIECA BA. LL.D.

Christine Farrugia
Deputy Registrar