



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

**MAGISTRATE DR.
CONSUELO-PILAR SCERRI HERRERA**

Sitting of the 4th April, 2003

Number 297/2003

**Articles 261(a)(e), 267, 269 and 334
of Chapter 9 of the the Laws of Malta**

**The Police
Inspector Ramon Mercieca
V**

LIU ZHE

Sitting held today, 4th April, 2003.

The Court

Having seen that the accused **LIU ZHE** aged twenty three, son of Liu Gian Guo and Yong Guo Xill, born in Beijing, China on the 11th February 1980 and residing at 69, Belvedere Street, Gzira, in possession of passport number G02474689 was arraigned before her accused with having on the first of April 2003 at about 17.00 hours committed theft of a hard disk and two rubber stamps

valued more than one thousand maltese liri from the Maltese Chamber of Commerce situated in Republic Street, Valletta which theft is aggravated by amount and by place.

Further more for knowingly received or purchased any property which has been stolen, misapplied or obtained by means of an offence whether committed in Malta or abroad, or shall knowingly take part, in any manner whatsoever, in the sale or disposal of the same.

Having seen the relevant sections at law in particular sections 261(a)(e), 267, 269 and 334 Chapter 9 of the Laws of Malta.

Having heard the accused declare that he is guilty of the charges brought forward against him.

The Court explained to the accused the consequences of his plea of guilt and after having given the accused sufficient time to reconsider his plea of guilt and saw that the same accused insisted on registering in the acts of these proceedings his plea of guilt, had no alternative but to register such plea.

In the light of the above plea of guilt which admission was made voluntarily, expressly and unconditionally, the Court is satisfied that the accused is to be found guilty of the charges of theft aggravated by value and place and after hearing the circumstances of the case as outlined by the Prosecution, decides not to take further cognisance of the charge of receiving stolen property which charge was given in an alternative fashion to the charge of aggravated theft.

The Court considered many factors before proceeding to give judgment in particular the early plea of guilt registered in these acts, that the res furtiva was returned to its legitimate owner in a relatively short period of time, that is within three days, having seen that the alleged victim suffered no monetary hardship, the co-operation throughout the proceedings of the accused with the

Prosecution, the clean conviction sheet of the same accused and the circumstances of the case. All these factors the Court considered them as mitigating factors and undoubtedly convinced the Court not to award an immediate prison judgment.

So the Court after having seen the relevant sections at law in particular sections 261(a)(e), 267, 269 and 334 Chapter 9 of the Laws of Malta declares the accused LIU ZHE guilty of the charge of aggravated theft brought forward against him and condemns him to a period of two years imprisonment which term is being suspended for a period of four years in terms of section 28A of Chapter 9 of the Laws of Malta.

The Court explained the importance of this judgment to the accused and what would happen should he fail to observe it.

The Court nominated Stephen Farrugia Sacco to withdraw from these acts the two hard discs, which were exhibited by the Prosecution and destroy their contents and return such to the Court as clear hard discs with no information.

The Court orders that all the acts of these proceedings together with a copy of this judgment be sent to the Attorney General within three days in terms of Section 401(3) of Chapter 9 of the Laws of Malta.

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