

In the Court of Magistrates (Malta)
As a Court of Criminal Judicature
Magistrate Dr. Abigail Lofaro LL.D. Dip. Stud. Rel.
Hall 9

The Police
(Superintendent Patrick Spiteri)
(Inspector Raymond D'Anastas)
(Inspector Sandro Zarb)

vs

Bassam Abdurrezag H Elkweldi

Today the 31st July, 2001

The Court;

Having seen the charges brought against the accused by virtue of which he was charged with having on the 20th March 2001 and / or in the days after the mentioned date, committed theft of different items valued more than LM1000 (one thousand Malta Liri) from premises styled Valley View number 3, Triq il-Gibja, Swieqi to the detriment of Eva Panayiotou Paraskevoulla of same address which theft is aggravated by Amount, Person and Place;

And with having during the past days been unable to show that he has the means of supporting himself and is likely to become a charge on the public funds;

The Court was also requested that besides awarding the punishment prescribed by Law, also declares defendant above mentioned a prohibited immigrant and issue a removal order against him in terms of Section 14 and 15 of Chapter 217 of the Laws of Malta;

Having seen the note filed by the Attorney General of the 7th May of the year 2001, whereby he found that from the preliminary investigation above mentioned there might result an offence (or offences) against:

(a) Sections 261(c) (d) (e), 267, 268, 269, 279, 280 of the Criminal Code;

(b) Sections 14, 15 of Chapter 217 of the Law of Malta.

Having heard the defendant reply that he has no objection that his case be treated by summary proceedings and decided by this Court.

Having heard all the evidence produced, all the documents which were exhibited and all the acts of this case.

Having heard the defendant duly assisted by legal counsel plead guilty to all charges during the sitting held on the 28th

June, 2001 and having heard Dr. Libreri who appeared for Eva Panayiotou Paraskevoulla declare that his client has been fully reimbursed and has nothing further to claim from defendant.

Considers that after having heard defendant voluntarily plead guilty to all charges finds him guilty as charged and this after having seen the Sections mentioned in the note filed by the Attorney General on the 7th May, 2001.

The Court considers regarding the punishment the fact that the accused collaborated with police during their investigations. In fact he admitted immediately that he had stolen the items from Eva and he also declared that he was very sorry for what he had done.

The Court also considered the fact that defendant has now reimbursed Eva and therefore the Court does not consider that imprisonment would be the right punishment to fit the crimes committed by defendant. Therefore after having seen Section 28A of Chapter 9 the Court condemns the defendant above mentioned to a term of imprisonment of two years which is being suspended for a term of four years from today.

The Court declares that it has explained in clear terms to defendant the consequences if he commits another crime which is punishable by imprisonment within the above mentioned period of four years from today.

The Court after having also seen Sections 14, 15 and 21 of Chapter 217 declares defendant to be a prohibited immigrant and orders his immediate removal from these islands.

(signed) Rita Saliba
Deputy Registrar