



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

**MAGISTRATE DR.
ANTONIO MIZZI**

Sitting of the 28 th May, 2007

Number 196/2007

The Police
(Inspectors Ian Abdilla, Stephen Gatt and Johan J.
Fenech)

vs

George Munteanu, son of Gheorghe, born in Huedin,
Romania on the 27th June, 1988

and

Bobi Rostas, son of Resmives Pitiv, born in Romania on
the 7th July, 1985

The Court,

Having seen the charges proffered against the accused,
namely –

A. with having, on these Islands, on the 10th march,
2007 and in the preceding days, in various parts of Malta
and outside Malta, by means of several acts committed by

the accused, even if at different times, which acts constitute violations of the same provisions of the law:

1. for having, promoted, constituted, organized or financed an organization of two or more persons with a view to commit criminal offences liable to the punishment of imprisonment for a term of four years or more;
2. for having made part or belonged to an organization referred to in subsection (1) of section 83A of the Criminal Code;
3. for having, in Malta, conspired with one or more persons in Malta or outside Malta for the purpose of committing any crime in Malta liable to the punishment of imprisonment, not being a crime in Malta under the Press Act.

B. with having on these Islands, on the 10th March, 2007, and in the preceding days, by means of several acts committed by the accused, even if at different times, which acts constitute violations of the same provisions of the law:

1. for having, by means of any unlawful practice, or by the use of any fictitious name, or the assumption of any false designation, or by means of any other deceit, device or pretence calculated to lead to the belief in the existence of any fictitious enterprise or of any imaginary power, influence or credit, or to create the expectation or apprehension of any chimerical event, made a gain of Lm970 to the detriment of Eurochange Financial Service Limited and the Bank of Valletta Limited;
2. for having, committed a theft of Lm970 in cash, to the detriment of Eurochange Financial Service Limited and the Bank of Valletta Limited, which theft is aggravated by the amount and place.

The Court has been requested that, in pronouncing judgement or in any subsequent order, sentence the person/s convicted, jointly or severally, to the payment, wholly or in part, to the Registrar, of the costs incurred in connection with the employment in the proceedings of any expert or referee, within such period and in such amount as shall be determined in the judgement or order, as per section 533 of the Criminal Code.

Informal Copy of Judgement

Having seen the note filed by the Attorney General on the 2nd day of May, 2007 whereby he declared that after having seen the record of proceedings of the preliminary investigation and having found that there might result an offence or offences under the provisions of: Sections 18, 83A(1)(4)(5), 48A, 308, 309, 310, 261, 269 and 533 of the Criminal Code; sent back the records of this case, for this Court to decide upon such offence or offences.

Having seen the records of the sitting of the 18th May, 2007 whereby both the accused gave their consent for this case to be tried summarily.

Having heard the evidence and the documents produced.

Having heard the prosecution and the defence counsel plead their cases.

Considers,

That the accused are of a foreign nationality and with the excuse that they wanted to exchange money from one currency into another entered several financial establishments with this aim in mind. Their idea was to confuse the cashier into giving them money which was immediately returned, yet by a trick of manual dexterity a lesser amount would be given to the cashier.

This trick was put to good use to the detriment of the Bank of Valletta Limited for the amount of Lm310 and to the detriment of Eurochange Financial Service Limited to the amount of Lm660.

The accused were arrested by the police a few minutes prior to their departure from these Islands.

From the documentary and video evidence produced there is no doubt that both the accused took part in this action and stole the sums indicated.

From the evidence produced it has not resulted that the accused were part of an organization for the purpose outlined above.

Consequently, this Court does not find both the accused guilty of all the charges proffered under the letter A and the first charge under the letter B and so sets them free of these charges. This Court finds both the accused guilty of the second charge proffered under letter B. Having seen section 261(c)(e), 267, 269(d), 279(a) and 280(1) of the Criminal Code. With reference to the punishment to be applied to both the accused, this Court has noticed that they spent twenty-two days in preventive custody. They have authorized this Court to give back the sum of Lm310 to the Bank of Valletta Limited and Lm660 to Eurochange Financial Services Limited. These monies are to be given to these companies from the monies which have been exhibited in Court by the Prosecution. This Court condemns each one of the accused to two (2) years imprisonment. Having seen section 28A of the Criminal Code, orders that this sentence be suspended for a period of four years from today on condition that they commit no other offence punishable with imprisonment for a period of four years from today. Moreover, this Court condemns each one of the accused to the payment of a fine of five hundred Malta Liri (Lm500). Section 533 of the Criminal Code need not be applied as no experts were engaged in this case.

< Final Judgement >

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