



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

**MAGISTRATE DR.
SAVIOUR DEMICOLI**

Sitting of the 26th July, 2013

Number. 662/2013

**The Police
(Inspector Daryl Borg)**

vs

ANGHEL ZABAR

The Court,

Seen the charges brought against Anghel Zabar, son of Bazil and Lodovica nee' Lidura born in Romania on the 22/12/1980, residing at Flat 7, Vel Court, Triq Salvu Busuttill, San Gwann, holder of Romanian Identity Card Number 1801222125831

And charged him with having on the 15th July 2013 and during the previous months, whilst being in Saint Julians and on these Islands:

1. Committed theft of a mobile phone, make LG Prada which theft was aggravated by time and value which exceeds two hundred and thirty-two euro and ninety-four cents (€232.94) but does not exceed two thousand three hundred twenty-nine Euros and thirty-seven cents (€2,329.37) to the detriment of Anthea Piscopo;

2. Further more during the same date, time, place and circumstances committed theft of mobile phone, make Samsung Galaxy S4 which theft was aggravated by time and value which exceeds two hundred and thirty-two euro and ninety-four cents (€232.94) but does not exceed two thousand three hundred twenty-nine Euros and thirty-seven cents (€2,329.37) to the detriment of person/s unknown;

3. Further more during the same date, time, place and circumstances committed theft of mobile phone, make I Pone 4 which theft was aggravated by time and value which exceeds two hundred and thirty-two euro and ninety-four cents (€232.94) but does not exceed two thousand three hundred twenty-nine Euros and thirty-seven cents (€2,329.37) to the detriment of person/s unknown;

4. Further more during the same date, time, place and circumstances, whilst being on these Islands, knowingly received or purchased any property which has been stolen, misapplied or obtained by means of any offence, whether committed in Malta or abroad, which items' value exceeds two hundred and thirty-two euro and ninety-four cents (€232.94) but does not exceed two thousand three hundred twenty-nine Euros and thirty-seven cents (€2,329.37), or for knowingly taken part, in any manner whatsoever, in the sale or disposal of these items;

5. Having committed an offence which was punishable by imprisonment during the operational period of a suspended sentence under Article 28A of Chapter 9 of the Laws of Malta given by the Magistrates Court (Malta)

Magistrate Dr. F. Depasquale LL.D. dated 13th August 2011;

6. Also became a recidivist under articles 49, 50 and 289 of Chapter 9 of the Laws of Malta and this according to a judgment given by the Courts of Malta which judgment has become absolute and cannot be changed.

Heard evidence.

Seen the acts of the case and exhibited documents.

Seen the Attorney General's consent found at folio 12 of the acts of the proceedings and noted that accused Anghel Zabar does not object to his Case being dealt with summarily.

Noted that in today's Sitting accused, through the Court appointed interpreter, pleaded guilty to all the charges brought against him except charge 4. brought against him.

The Court warned accused in the most solemn manner as to the consequences of his admission of guilt and gave him some time to decide whether to confirm his admission of guilt or not, and having been asked whether he confirms his admission of guilt or not, accused, through the Court appointed interpreter, confirmed that he is pleading guilty to all the charges brought against him except charge 4. brought against him.

Noted that in today's Sitting Prosecution and Defence declared that they agree that this Court should consider the possibility of placing the accused under a Probation Order so that there will not be any repetition of similar crimes by the accused.

Also noted that in today's Sitting Prosecuting Officer declared that as regards to charge 4. brought against the accused, this charge has been given as an alternative charge to charges 1., 2. and 3. and consequently requested that the Court abstains from taking further cognizance of charge 4. brought against accused.

Heard submissions on punishment.

Seen sections 17, 31, 261(f) and (c), 270, 279(a), 280(1), 281(a), 28A, 28B(2)(b), 28C, 49, 50 and 289 of Chapter 9 of the Laws of Malta.

Considering that accused Anghel Zabar pleaded guilty to all the charges brought against him except charge 4. brought against him, the Court has no alternative but to find said accused guilty of all the charges brought against him except for charge 4. brought against him, and having considered all the circumstances of the Case including what has been declared by the Prosecution and Defence in today's Sitting as reproduced earlier on in this judgement, as regards to all the charges brought against said accused except for the charges 4. and 5. brought against said accused decides in terms of Section 7(1) of Chapter 446 of the Laws of Malta to place accused Anghel Zabar under Probation Order for a period of three (3) years as from today and this with the scope that there will be no more repetition of similar crimes and moreover condemns said accused Anghel Zabar to the punishment of two hundred and fifty Euro (Euro 250) fine (multa).

As regards to the charge 4. brought against said accused in view of what has been declared and requested by the Prosecuting Officer in today's Sitting in regarding to said charge 4. as reproduced earlier on in this judgement, the Court abstains from taking further cognizance of charge 4. brought against accused.

As regards to charge 5. brought against accused Anghel Zabar, considering all the circumstances of the Case the Court in terms of Section 28B(2)(b) of Chapter 9 of the Laws of Malta extends the term of two (2) years imprisonment suspended for four (4) years given by the Courts of Magistrates (Malta) per Magistrate Dr. Francesco Depasquale LL.D. in the case "The Police (Inspector Anna Marie Micallef) vs Rostas Mircea-Remus Anghel Zabar " decided on the 13th August, 2011 (true copy of this Judgement has been exhibited in the acts of

Informal Copy of Judgement

this case as Doc PD 1) for a further period of four (4) years as from today.

The Court orders that the decree annexed to this Judgement as regards to the conditions of the probation order forms an integral part of this judgement.

The Court orders the notification with a copy of this judgement and the decree annexed to this judgement to the Director of the Probation Services in order to assign a Probation Officer to the accused Anghel Zabar.

The assigned Probation Officer has to make a written report to this Court with the progress of the said Anghel Zabar every six (6) months.

Finally the Court has given accused Anghel Zabar the explanation prescribed in subsection 7(7) of Chapter 446 of the Laws of Malta.

< Final Judgement >

-----END-----