

Kopja Informali ta' Sentenza



**QORTI TAL-MAGISTRATI (MALTA)
BHALA QORTI ISTRUTTORJA**

**MAGISTRAT DR.
NATASHA GALEA SCIBERRAS**

Seduta ta' l-10 ta' Lulju, 2013

Numru. 644/2013

**The Police
(Inspector Luke Bonello)**

vs

Marko Krstic

The Court,

Having seen the charges brought against Marko Krstic, aged 25, son of Bojin and Biljani nee' Cvetkovec, born in Serbia on the 26th March 1988, residing at 222, Symphony, Savoy Hill, Gzira and holder of Serbian passport with number 011249470 and Serbian Identity Card with number 004411034;

Charged with having:-

a) During the night between the 7th and 8th of July 2013, whilst being at St. Julian's, committed theft aggravated by time and amount, of a mobile phone of make Samsung S3 and €20 in cash, value of which exceeds two hundred and thirty-two euro and ninety-four cents (€232.94) but does not exceed two thousand and three hundred and twenty-nine euro and thirty-seven cents (€2,329.37).

b) Further more with having on the 9th of July 2013 and in the previous days, whilst being in 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 and three hundred and twenty-nine euro and thirty-seven cents (€2,329.37), or for knowingly taken part, in any manner whatsoever, in the sale or disposal of these items.

After having seen all the documents and acts of the proceedings including the Attorney General's consent for this case to be dealt in summarily in terms of Article 370 (4) of the Criminal code and that during his examination carried out in terms of Articles 370(4), 390(1) and 392 of Chapter 9 of the Laws of Malta upon his arraignment during the sitting held on the 10th July 2013, the accused declared that he had no objection to his case being dealt with summarily and pleaded guilty to the first charge brought against him.

Having heard the Prosecuting Officer declare the second charge as alternative to the first charge and withdrawing the second charge brought against the accused.

Having heard the accused persist in pleading guilty to the charges brought against him, after the Court in terms of Article 453 of Chapter 9 of the Laws of Malta, warned him

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of the legal consequences of such statement and after having allowed him time to retract such statement.

Having heard oral submissions by the parties regarding the punishment to be inflicted.

Having considered that:-

In view of the guilty plea registered by the accused, the Court cannot but find the accused guilty of the charges brought against him.

As regards the punishment to be inflicted, the Court has taken into consideration the early guilty plea filed by the accused, his clean criminal record, the fact that he has returned part of the res furtiva (the mobile phone) and that he is intent on returning the rest, namely, the sum of €20.

Conclusion

For these reasons, the Court, after having seen Articles 261, 267, 270, 279(a) and 280(1) of Chapter 9 of the Laws of Malta, finds the accused **guilty** of the first charge brought against him, but in view of the Courts consideration above and by application of Article 22 of Chapter 446 of the Laws of Malta discharges the accused with the condition that he does not commit any other offence for a period of two (2) years from the date of this judgement

The court explained to the person sentenced in clear and simple language the meaning of this judgement to the accused.

In terms of Article 24 of Chapter 446 of the Laws of Malta, the Court orders the person sentenced to pay the sum of twenty Euro (€20) to Daniela Pelican within three (3) days from today.

Finally for the reasons explained above, the Court is not taking any consideration of the second charge.

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< Sentenza Finali >

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