

Kopja Informali ta' Sentenza



**QORTI TAL-MAGISTRATI (MALTA)
BHALA QORTI TA' GUDIKATURA KRIMINALI**

**MAGISTRAT DR.
AUDREY DEMICOLI**

Seduta tal-25 ta' Settembru, 2013

Numru 940/2013

**The Police
(Inspector Arthur Mercieca)**

vs

Julian Constantin Peter Buhr

The Court;

Having seen the accused Julian Constantin Peter Buhr of 26 years, son of Ulrich and Christine nee' Buhr born in Munchen on the 27th April 1987, residing at 87 Penda Gardens Blk 10 Apt 23, St Julians and holder of Germa id card no. LF74KLW1W was arraigned before it and charged with having:

In these Islands, during these last months, by means of several acts committed at different times, which consititute

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violation of the same provision of the Law and which were committed in pursuance of the same design,

a. 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 gain of more than the sum of over two thousand, three hundred and twenty nine euro and twenty seven euro cents (€2329.27c) to the prejudice of Faisal Mohamed Wadi and Dieter Speiser and/or other persons or companies; (Art. 18, 308, 309, & 310 of Chapter 9, of the Laws of Malta)

b. On the same dates, location and circumstances misapplied, converting to his own benefit or to the benefit of any other person, the sum of over two thousand, three hundred and twenty nine euro and twenty seven euro cents (€2329.27c) to the prejudice of Faisal Mohamed Wadi and Dieter Speiser and/or other persons or companies, which had been entrusted or delivered to him, under a title which implies an obligation to return such sum or to make use thereof for a specific purpose, which sum of money was entrusted or delivered to him by reason of his profession, trade, business, management, office or service or in consequence of a necessary deposit. (Art. 18, 293 & 294 of Chapter 9, of the Laws of Malta)

Having heard the accused plead guilty to the charge brought against him, notwithstanding the fact that the Court warned him of the consequences of her guilty plea after having afforded her sufficient time within which to withdraw her guilty plea.

Having heard the accused plead guilty to the charge brought against him the Court has no alternative but to find the accused guilty of the said charges.

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With regards to punishment the Court took into consideration the fact that the accused has a clean criminal conduct, the fact that he filed a guilty plea at such an early stage of the proceedings and the fact that the accused and the civil party reached an agreement whereby the accused agreed to pay back the amount of €50,000 to Dieter Speiser and the sum of €10,000 is to be paid to Faisal Mohamed Wadi.

After having seen Sections 17, 18, 308, 309, 310, 293 and 294 of Chapter 9 of the Laws of Malta the Court finds the accused guilty of all the charges brought against him and condemns him to two(2) years imprisonment which in terms of Section 28A of Chapter 9 of the Laws of Malta are being suspended for a period of four(4) years from today.

In terms of Section 28H of Chapter 9 of the Laws of Malta the Court condemns the accused to pay within six(6) months from today the sum of fifty thousand euros (€50,000) to Dieter Speiser and the sum of ten thousand euros (€10,000) to Faisal Mohamed Wadi.

After having seen Article 392 A (2) and 401 (3) of Chapter. 9 of the Laws of Malta, the Court orders that a copy of this judgement together with the acts of these proceedings are sent to the Attorney General within the time limit stipulated by Law.

< Sentenza Finali >

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