



MALTA

**COURT OF MAGISTRATES (MALTA)**  
**AS A COURT OF CRIMINAL JUDICATURE**  
**MAGISTRATE**  
**AARON BUGEJA**

Sitting of the 24<sup>th</sup> August, 2014

Number. 790/2014

**The Police**

(Inspector Jason Francis Sultana)

**Vs**

**John Alan Card Farrugia**

Today the 24<sup>th</sup> of August 2014

The Court, having seen the charges being proffered against **John Alan Card Farrugia**, of 46 years, son of Cyril Richard Leslie and Francesca nee' Farrugia born in United Kingdom, on the 19<sup>th</sup> of August 1968 residing at 185, New York, Triq Hompesch, Fgura and holder of identity card number 484811(L) :-

## Informal Copy of Judgement

- a) For having on the 9<sup>th</sup> of May 2014, in these Islands, at about 0143hrs in the Strand, Sliema, committed theft of money of amount that does not exceed the value of € 232.94 however exceeds the amount of € 23.29, which theft is aggravated by time, to the detriment of Carl Peter Doftvik *and this in breach of Art. 285, 261(f) of Chapter 9 of the Laws of Malta*;
- b) and also for having on the 9<sup>th</sup> of May 2014 and in the preceding days before this date, in these Islands, on finding any property mislaid or lost by any other person, failed, within three days, to give information thereof to the executive Police *and this in breach of Art. 340(c) of Chapter 9 of the Laws of Malta*

The Court was also requested to cause **John Alan Card Farrugia** to pay the injured parties that amount to cover expenses which is established by the Court for the damages incurred from the crime committed.

The Court heard the Prosecuting Officer confirming on oath the charges proffered against the accused;

The Court analysed the documents that were exhibited and all the records of the proceedings and noted that during the court of the examination of the person charged in terms of Article 392(1) of the Criminal Code, the same declared that he was guilty as charged. In terms of Article 392A(1) and 453(1) of the Criminal Code, the Court warned the person charged in the most solemn manner about the legal consequences of his reply and gave him a period of time within which to decide whether to withdraw his plea of guilt.

After the lapse of this period of time, the Court asked the person charged whether he was persisting with his guilty plea and he replied that he was reiterating his statement that he was guilty as charged.

The Court ordered that this reply be registered in writing in the records of these proceedings.

The Court heard submissions by the prosecuting officer as well as by the accused in relation to the punishment that ought to be meted out against the accused.

## Informal Copy of Judgement

Police Inspector Sultana stated that the accused cooperated fully with the Police as can be seen by the statement released by him and declared that the accused was prepared to pay back the sum of one hundred euro (€100) to Carl Philip Peter Doftvic forthwith. In the circumstances of this case, if such restitution takes place today the Prosecution would be in a position to suggest that a conditional discharged be issued against the accused.

The accused stated that this case was clearly the result of a mistake committed on his part and that he was willing to pay for such a mistake. Furthermore he declared that he was in a position to pay back the sum of one hundred euro (€100) to the victim of this crime and in point of fact, *seduta stante* the accused delivered the sum of one hundred euro (€100) in cash to Police Inspector Jason Francis Sultana for forwarding to the victim of this crime.

### Consequently decides that :

after having seen Articles 261(f), 284, 285 and 340(c) of Chapter 9 of the Laws of Malta this Court finds the accused John Alan Card Farrugia, upon his unconditional plea of guilt to the charges proffered against him, guilty of the same and condemns him:

- a. In relation to the first charge the Court in terms of Article 22(1) of Chapter 446 of the Laws of Malta discharges the accused on condition that he does not commit any other offence during a period not exceeding three years from the date of this order, which order was, in terms of article 22(3) of Chapter 446 of the Laws of Malta made after that the Court explained in ordinary language to the offender that if he committed another offence during the period of conditional discharge the offender will be liable to be sentenced for the original offence; moreover,
- b. in relation to the second charge, the Court is condemning to the accused to the fine (ammenda) of fifty euro (€50).

Furthermore the Court orders that the record of the proceedings together with a copy of this judgment be transmitted to the Attorney General within six working days in terms of Article 392A(2) of the Criminal Code.

Delivered today the 24th August 2014 at the Courts of Justice in Valletta, Malta.

**< Final Judgement >**

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