



MALTA

COURT OF MAGISTRATES (GOZO)
AS A COURT OF CRIMINAL JUDICATURE
MAGISTRATE
JOANNE VELLA CUSCHIERI

Sitting of the 15 th June, 2015

Number. 267/2015

The Police

(Inspector Bernard Charles Spiteri)

-vs-

Abdulkadir Mohammed Abdihukun,
holder of ID No. 55168A aged 27 years
born in Mogadishu, Somalia on the 1st
January 1987 son of Abdulkadir and
Amina nee' Mohamed and residing at
St Joseph, Flat 3, St George Street, Hal
Safi.

The Court;

Having seen the charges brought forward against the accused for having on the 13th of June 2015 at around 4.00pm and during the previous hours whilst being at Parish Priest Joseph Hili Street, Fontana and/or in the vicinities:

1. Committed theft from inside a vehicle with registration plates JBB 478 of the make Toyota Tercel of local currency which amount does not exceed two hundred and thirty two euro and ninety four cents (€232.94) to the detriment of Andrew Zammit, which theft is aggravated by the nature of the thing stolen.
2. And also with having on the same date, time, place and circumstances committed theft from inside a vehicle, with registration plates IBH 706 of the make Isuzu of local currency which amount does not exceed twenty three euro and twenty nine cents (€23.29) to the detriment of Crispino Parnis.
3. And also with having on the same date, time, place and circumstances committed theft from inside a vehicle, with registration plates EAZ 691 of the make Nissan Micra of local currency which amount does not exceed twenty three euro and twenty nine cents (€23.29) to the detriment of Michael Angelo Said.

After having seen all the records of the case;

After having heard the accused plead guilty to the charges at an early stage of the proceedings, which admission was confirmed by the same offender after the Court, in terms of section 453 (1) of Chapter 9 of the Laws of Malta, warned him of the legal consequences of that guilty plea, and allowed him sufficient time to re-consider his reply, and to change it;

After having heard the oral submissions on the punishment;

Considered that:

From the evidence brought forward and from the guilty plea registered by the offender himself, the Court concludes that the offender is guilty of the charges laid against him.

As regards the punishment, the Court took into consideration the fact that the offender admitted to the charges at a very early stage of the proceedings, that he co-operated with the police, his clean conviction sheet, the fact that the amounts stolen were recovered in full and his admission regarding the alcohol problem he has which lead him to commit the offences imputed to him.

For these reasons the Court after having seen sections 17, 284 and 285 of Chapter 9 of the Laws of Malta and Chapter 466 of the Laws of Malta on his admission finds offender guilty of the charges brought against him and by application of Article 7 of Chapter 446 of the Laws of Malta is putting the offender under a Probation Order for a period of one year from today, with the conditions in the same Probation Order herewith attached and which forms an integral part of this judgement.

The Court orders that the amounts seized from the accused be returned to the rightful owners by the prosecution.

The Court, in terms of article 7 (7) of Chapter 446 of the Laws of Malta, has warned the offender about the legal consequences if he commits another crime within the prescribed operative period of the Probation Order and/or if he fails to abide by one of the orders stipulated in the Probation Order, and the offender confirmed his will that he will abide by this Probation Order.

Informal Copy of Judgement

The Court orders that a copy of the Probation order be given to the probationer and another copy be sent to the Director Probation Services and Parole so that he assigns a probation officer to be responsible for the supervision of the probationer

< Final Judgement >

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