



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

MAGISTRATE DR. MARSE-ANN FARRUGIA LL.D.

Today Monday 7th March, 2016

The Police

(Inspector Victor Aquilina)

vs.

Ali Ashrof

The Court;

Having seen the charge brought against the accused:

Ali Ashrof, holder of UK Passport 800798612

Charged with having on the date 6th March, 2016 at MIA at about 10:40 hrs, at the Malta International Airport:

Committed theft of one mobile phone make Samsung Galaxy to the detriment of Joseph Caruana for the total amount of more than two hundred and thirty two euros and ninety

four cents but under two thousand, three hundred and twenty nine euros and thirty seven cents together with 4 credit cards and one (1) identity card bearing number 709057M property of the Government of Malta.

After having heard the evidence and seen all the records of the case and documents submitted.

Having seen the consent of the Attorney General in terms of Section 370(4) of the Criminal Code, in the sense that this case be heard by this court, and having noted that the accused did not object that the case be so heard.

After having heard the accused plead guilty to the charge at an early stage of the proceedings.

The Court warned the accused about the serious implication of his guilty plea in particular that the maximum punishment for the charge brought against him is, a period of three years imprisonment. The Court gave the accused adequate time to consult with his defence lawyer to see whether he wanted to withdraw his guilty plea, but after consulting with his defence lawyer the accused confirmed the guilty plea.

After having heard the oral submissions of the parties on the punishment;

Considered that:

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

As regards punishment, the Court considered that the accused co-operated with the Police, and returned the mobile phone and the bank cards to their owner prior to the commencement of these proceedings. Consequently Article 337(2)(b)(i) of the Criminal Code is applicable to his case, and the punishment should be reduced by two degrees.

The accused registered an early guilty plea to the charge brought against him, and according to the Prosecuting Officer, the value of the mobile and other items stolen amounted to about €400.00.

The accused stole the items from the screening area of the airport, whilst he was going to go on board a plane back to his country, after a week holiday in Malta with his wife.

As a consequence of his illegal action, he and his wife lost their flight to their country Bangladesh, and he spent nearly two days in the lock-up.

After taking all the circumstances of the case into consideration, in the opinion of this Court, an effective prison sentence is not appropriate in the circumstances.

Conclusion

The Court, after seeing Sections 261(c), 267, 279(a), 276, and 337(2)(b)(i) of Chapter 9 of the Laws of Malta, finds the accused guilty as charged, but in the light of the considerations above-mentioned, and by applying Section 22 of Chapter 446, is discharging him, on condition that he does not commit another offence within two (2) years from to-day.

In accordance with Section 22(3) of Chapter 446 of the Laws of Malta, the Court explained in clear and simple language the meaning of this judgement to the offender.

(ft) Magistrate

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Deputy Registrar