



**Court of Magistrates (Malta)
As A Court of Criminal Inquiry**

Magistrate Dr. Donatella M. Frendo Dimech LL.D., Mag. Jur. (Int. Law)

Today, the 23rd January, 2017

**The Police
(Inspector Ian J. Abdilla)**

-vs-

Charles Falzon, bearer of Identity Card number 261603L;

and

Omissis

Case No. 1016/2003

The Court,

Having seen the charges brought against the accused **Charles Falzon** and Omissis for having:

On the 11th August, 2003 and preceding days, 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 pretense 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 a gain of LM 186.53 to the detriment of HSBC Malta Ltd. and Chains Supermarket.

Also for having forged and schedule, ticket, order or other document whatsoever, upon the presentation of which any payment may be obtained, or any delivery of goods effected, or a deposit or pledge withdrawn from any public office or from any bank or other public institution established by the Government, or recognized by any public act of the Government, and for having knowingly made use thereof of any instruments specified above.

Also for having committed forgery of any authentic and public instrument or of any commercial document or private bank document, by counterfeiting or altering the writing or signature, by feigning any fictitious agreement, disposition, obligation or discharge in any of the said instruments or documents after the formation thereof, or by any addition to or alteration of any clause, declaration or fact which such instruments or documents were intended to contain or prove, and for having knowingly made use of any false acts, writings, instruments or documents mentioned above.

Also for having gained any advantage or benefit for himself or others, in any document intended for any public authority, knowingly made a false declaration or statement, or gave false information.

Also for having laid before the Executive Police any information regarding an offence, knowing that such offence was not committed, or for having falsely devised the traces of an offence in such a manner that criminal proceedings may be instituted for the ascertainment of such offence. (Breach of Section 110(2) of Chapter 9 within the Laws of Malta).

Having heard the accused plead guilty to the charges brought against him, and this after the Court warned him in the most solemn manner of the legal consequences of his guilty plea, after having given the accused sufficient time within which to reconsider and withdraw his guilty plea;

Having seen the acts and documents exhibited;

Having heard the prosecution and defence counsel make their submissions;

Considers:

Having heard the guilty plea of the accused to the charges brought against him the Court has no alternative but to declare the accused guilty of all the charges brought against him.

Whereas the second, third and fourth offences were designed as a means for the commission of the first offence.

With regards to punishment the Court took into consideration the nature of the offences of which he stands charged, of the fact that at the time when the offences were committed the accused had no criminal record and of the other circumstances of the case in particular the fact that these proceedings date to over thirteen years ago.

For the said reasons, the Court, after having seen articles 17(b)(h), 31, 110(2), 167, 169, 183, 184, 188, 308, 309, 310(1)(b)¹ of the Criminal Code, upon his admission finds the accused guilty of the charges brought against him but by application of article 22 of Chapter 446 of the Laws discharges him on condition that he does not commit another offence within a period of one year commencing today.

Dr. Donatella M. Frendo Dimech LL.D., Mag. Jur. (Int. Law)

Magistrat

¹ Before the increase in penalties introduced through Act XXIV of 2014 the punishment was that of imprisonment for a term between 5 and 36 months.

