



MALTA

**IN THE COURT OF MAGISTRATES (MALTA)  
AS COURT OF CRIMINAL JUDICATURE**

**MAGISTRATE  
DR. CHARMAINE GALEA**

**Today the 22<sup>nd</sup> of February 2018**

**The Police  
(Inspector Roderick Spiteri)**

**VS**

**Daniel Malhous (Czech ID: 206594534)  
Jaroslav Starjat (Slovak ID: EC522892)**

The Court:

Having seen that the offenders **Daniel Malhous** and **Jaroslav Starjat** were charged with having on these Maltese Islands, on the 21<sup>st</sup> of February 2018 and the preceding months:

1. With several acts committed by the offenders, even if at different times, constituting of violations of the same provision of the law, and committed in pursuance of the same design, they 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, or by the insertion of any such 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.

2. With several acts committed by the offenders, even if at different times, constituting of violations of the same provision of the law, and committed in pursuance of the same design, they knowingly made use of any false acts, writings, instruments or documents.

**Jaroslav Starjat** alone is charged with having on these Maltese Islands, on the 21<sup>st</sup> of February 2018 and the preceding months:

3. With several acts committed by the offenders, even if at different times, constituting of violations of the same provision of the law, and committed in pursuance of the same design, they committed aggravated theft by “person” of ‘Cheque Books’ and/or parts thereof at the detriment of Paul Borg, Dowdall (NXR MS) Limited and/ or other parties.

The Court was gently asked to in case of a guilty verdict besides pronouncing judgement or in any subsequent order, sentence the person convicted or the persons convicted, jointly or severally, to the payment, wholly or in part, to the registrar, of the costs incurred in connection with the employment in the proceedings of any expert or referee, if the case be it, as provided in Article 533 of Chapter 9 of the Laws of Malta.

After having seen all the records of the case;

Having seen the consent of the Attorney General for these proceedings to be held summarily;

After having heard the offenders plead guilty to the charges at an early stage of the proceedings, which guilty plea was confirmed by the same offenders 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 offenders, the Court concludes that the offenders are guilty of the charges laid against them.

As regards the punishment, the Court took into consideration the fact that the offenders admitted to the charges at a very early stage of the proceedings and that they co-operated with the police and that no financial damages were caused to the victim.

For these reasons the Court after having seen sections 183, 184, 261, 268, 281 of the Criminal Code on their admission finds offenders **Daniel Malhous and Jaroslav Starjat** guilty of the charges brought against them and condemns **Daniel Malhous to eighteen (18) months imprisonment which by application of section 28A (1) of Chapter 9 are being suspended for a period of four (4) years from today.** The Court also condemns **Jaroslav Starjat to two (2) years imprisonment which by application of section 28A (1) of Chapter 9 are being suspended for a period of four (4) years from today.**

In accordance with sections 28A (4) of Chapter 9 of the Laws of Malta, the Court explained in clear and simple language the meaning of this judgement to the offenders, and the consequences which would follow if they fail to abide by it, that is if they commit another offence which is punishable by imprisonment within the operative period.

**Dr. Charmaine Galea**  
**Magistrate**

Diane Gatt  
Deputy Registrar