



Court of Magistrates (Malta)
As a Court of Criminal Judicature

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

Criminal Inquiry No.: 131/2018

The Police
(Inspector Yvonne Farrugia)

-vs-

**Ksenija Kojovic, a holder of Serbian Passport with number 012923618
and Maltese Identity Card number 0174183A**

Today the 15th July, 2019

The Court,

Having seen the charges brought against the accused **Ksenija Kojovic** who is being charged:

For having during the months between June, 2017, and November, 2017, in these Islands:

1. 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 pretence 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 gain of more than five hundred thousand euro (€500) but does not exceed five thousand euro (€5,000) to the detriment of Mater Dei Hospital and/or the Government of Malta;
2. Made any other fraudulent gain not specified in Article 308 of Chapter 9, of more than five hundred thousand euro (€500) but does not exceed five thousand euro (€5,000) to the detriment of Mater Dei Hospital and/or the Government of Malta;
 3. Knowingly made use of any of the instruments specified in Article 167 of Chapter 9;
 4. Knowingly made use of any of the false acts, writings, instruments or documents;
 5. In order to gain any advantage or benefit for oneself or others, in any document intended for any public authority, knowingly made a false declaration or statement, or gave false information;
 6. Committed any other kind of forgery, or knowingly made use of any other forged document.

The Court is also hereby kindly requested that, in pronouncing judgement or in any subsequent order, sentence the person convicted 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, within such period and in such amount as shall be determined in the judgement or order, as per Section 533 of Chapter 9 of the Laws of Malta.

Having Considered:

Whereas during the sitting of the 2nd July, 2019, the accused plead guilty to the charges brought against her notwithstanding the fact that the Court warned her in the most solemn manner of the legal consequences of her guilty plea, and after having given her sufficient time within which to reconsider and withdraw her guilty plea;

Having heard the accused re-iterate her guilty plea after the court warned her of the punishment and consequences such an admission entailed;

Having heard witnesses;

Having seen all the acts and documents exhibited;

Having heard the prosecution and defence counsel make their submissions;

Considers:

Having ascertained that the amount owed by the accused in relation to the charges with which she stands charged is that of €424.46c.¹

Having heard the guilty plea of the accused to the charges brought against her, the Court has no alternative but to declare the accused guilty of the said charges.

Whereas the second charge is an alternative to the first offence of which the accused is being found guilty. Hence the court is abstaining from taking further cognisance thereof.

Whereas the offences numbered three to six were designed for the commission of another offence, namely the first offence.

With regards to punishment the Court considered the accused's relatively late admission of guilt, her clean criminal record and the fact that the accused has fully reimbursed the injured party.

For the said reasons the Court, whilst abstaining from taking further cognisance of the second charge, after having seen articles 17(b)(h), 31, 169, 184, 188, 189, 308, 309 and 310(1)(c) of the Criminal Code, Chapter IX of the Laws of Malta, finds the accused guilty of all other charges brought against her and condemns her to four (4) months

¹ Fol.327

imprisonment which by application of Article 28A of the Criminal Code are being suspended for 2 years from today.

In terms of article 533 of the Criminal Code, condemns the accused to the payment of €472 representing costs incurred in the employment in the proceedings of any expert or referee. The said costs are to be paid within 4 months commencing today.

The Court explained to the defendant in ordinary language the significance of this judgement and of the consequences should she fail to observe the conditions imposed.

Finally the Court orders that the records of these proceedings be transmitted to the Attorney General within six working days.

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