



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

Magistrate Dr. Monica Vella LL.D., M.Jur

Case Number 297/2024

**The Police
[Inspector Lara Butters]**

vs.

John Abuchi

Today the 09th February 2024,

The Court,

Having seen the charges brought against the accused:

John Abuchi, Nigerian nationality, 29 years old, son of Chekezie and Gift, born in Aba Abia State, Nigeria, on the 27th April 1995, residing at 234, 'Lemaneque', Flt. 6, Xghajra Road, Zabbar and holder of holder of Police number 20HH-004;

Charged that on the 17th of January 2024 and/or in the days, weeks or months before this date in these islands:

1. Had in his possession any passport which he knows to be forged, altered or tampered with and received a passport transferred to him by any other person, (Cap 61, Sec 3(a)(b) of the Laws of Malta);
2. Used or had in his possession a Passport, which he knew to be forged, altered or tampered with, (Cap 61, Sec 5 of the Laws of Malta);
3. Also charge him with having on same date, time and circumstances in relation to any information to be given under or for purposes of this act, made or causes to be made any false return, false statement or false representation (Chapter 217, Sec 32 (1c));
4. Also charge him with having on same date , time and circumstances without lawful authority uses or has in his possession any document required for the purposes of this Act which is forged (Chap 217, Sec 32(1)(f) of the Laws of Malta)
5. Also charge him with having on same date, time and circumstances had knowingly make use of any other forged document, (Chap 9 Sec 189 of the Laws of Malta)

Whilst exhibiting the relative conviction sheet and respective copy of passport of the accused, the prosecution humbly requested that the case be investigated according to law.

Considered:

Preamble:

The Court notes that the Maltese version of the charges brought against the accused does not tally exactly with the English version, however, this only as to the paragraphing of the said charges in the sense that the charges are not in the same chronological order and not as regards the actual charges brought against him.

The Court deems that this in no way prejudices the proceedings and therefore, deems it fit to proceed with the relative judgement.

Considered:

Having seen all the records of the case;

Having heard all the evidence brought forward;

Having seen and examined all evidence and all the documents forming part of the proceedings;

Having heard the submissions made by the Prosecution and by the Defence;

Having duly considered all the records of the case and all submissions made;

Having explained to the accused the charges brought against him;

Having heard the accused plead guilty to said charges in the sitting of the 31st of January 2024 and this in the presence of Defence Counsel Dr. Martin Farrugia;

Having warned the accused of the legal consequences of such guilty plea and having given the accused further time to reconsider his guilty plea;

Having heard the accused reconfirm his guilty plea during the same sitting and thus said guilty plea was duly registered in the acts of these proceedings;

Having also heard the testimony of the accused whereby he explained the facts which led to this case;

Having heard the submissions of both parties;

Having seen that the case has been put off for today for judgement.

Considered:

The Facts of the Case

This case, in brief, relates to the possession and use by the accused of an allegedly counterfeit Passport to travel from Malta to Italy and making false representations to the competent authority

Considered:

That although in the first sitting upon his arraignment the accused John Abuchi declared himself not guilty, during the sitting of the 30th January 2024, he registered a guilty plea;

That said guilty plea was reaffirmed by the accused after the Court duly explained to him the consequences of such guilty plea including the relative punishment prescribed by law;

That therefore such guilty plea was duly registered in the minutes of the case;

That thus upon such guilty plea the Court can only find the accused guilty as charged.

Considered:

That in pronouncing its judgement, the Court is hereby taking into consideration the fact that the accused registered an early guilty plea, that the accused collaborated with the Police, and the nature and gravity of the accusations with which he is charged;

Decides:

Thus, the Court, after having seen Article 3 and Article 5 of Chapter 61 of the Laws of Malta, Article 189 of Chapter 9 of the Laws of Malta, and Article 32(1) (c) and (f) of Chapter 217 of the Laws of Malta hereby finds the accused guilty as charged and thus condemns the accused John Abuchi to a term of effective imprisonment of six (6) months from which the time he has already spent in preventive arrest is to be deducted.

Magistrate Dr. Monica Vella LL.D., M.Jur

Victor Deguara
Deputy Registrar