



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

**MAGISTRATE DR.
MIRIAM HAYMAN**

Sitting of the 15 th January, 2009

Number 962/2008

**THE POLICE
INSPECTOR IVAN CILIA
INSPECTOR ANGELO CARUANA**

VERSUS

**MD EAKRAMUL HASAN, of Bangladesh nationality,
aged 31 years, son of Abdur Shalikh and Feroza
Razzaque, born at Khulna, Bangladesh on the 10th
September, 1977, residing at Meraville Apartments,
Flat 5, Triq il-Fliegu, Qawra, bearing passport number
X0234422 issued at Chittagong on the 13th April, 2005
and expiring on the 12th April, 2010, holder of Maltese
identity card number 00326307A;**

The Court;

Having seen charges brought against **MD EAKRAMUL
HASAN**, accused of having during the month of
September, 2008 and the preceding months on these

Islands, by means of several acts, even if at different times, that constituted violations of the same provision of the Law, and committed in pursuance of the same design:

a. 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 two hundred and thirty two Euros and ninety-four cents(€232.94), but less than two thousand three hundred and twenty-nine Euros and thirty-seven cents(€2.329.37) to the prejudice of Abdul Ghani Shah;

b. Furthermore, on the same date, location and circumstances, misapplied converting to his own benefit or to the benefit of any other person, the sum of two thousand Euros(€2,000) which has been entrusted or delivered to him under a title which implies an obligation to return such sum of money or to make use thereof for a specific reason;

Also of having on the 25th September, 2008 and the preceding days on these Islands, by means of several acts, even if at different times, that constituted violations of the same provision of the Law, and committed in pursuance of the same desing:

a. With intent to harm Abdul Ghani Shah, Zia Ul Noor and a certain Yesir who resides in Bugibba, accused such persons before a competent authority with an offence of which he knew such persons to be innocent;

b. Furthermore, on the same date, location and circumstances fraudulently caused fact or circumstance to exist, or to appear to exist, in order that such fact of circumstance may afterwards be proved in evidence against Abdul Ghani Shah, Zia Ul Noor and a certain Yesir who resides in Bugibba, with intent to procure such

persons to be unjustly charged with, or convicted of, any offence;

c. Furthermore, on the same date, location and circumstances, laid before the Executive Police an information regarding an offence knowing that such offence has not been committed or falsely devised the traces of an offence in such a manner that criminal proceedings may be instituted for the ascertainment of such offence;

d. Furthermore, on the same date, location and circumstances, used any electronic communications network or apparatus supplied by an undertaking for a purpose other than that for which it was supplied or neglected to observe instructions which are issued by an undertaking for the proper use of the electronic communications network or apparatus or made improper use thereof

Seen that at the stage of examination accused pleaded not guilty to the charges proffered.

Seen Articles of Law against which Attorney General deems that guilt can be found against the accused, that is:

- Articles 308 and/or 309 of Chapter 9 of the Laws of Malta;
- Articles 293 and 294 of Chapter 9 of the Laws of Malta;
- Articles 101 and 111 of Chapter 9 of the Laws of Malta;
- Article 35(d) of Chapter 399 of the Laws of Malta.

Seen also the accused gave his consent to the summary proceedings as registered by the Court on the actual note transmitted by the Attorney General on the 024th November, 2008;

Seen that accused entered a guilty plea (folio 38), which plea was later on reiterated and confirmed on the 2nd December 2008;

Seen also accused's statements both and the evidence tendered by Abdul Ghani Shah (folio 39 et seq).

Considered that the Court seen no reason why not to accept accused's admission.

Seen the Articles remitted by Attorney General, finds guilt according to Articles 308, 310, 293, 294, 101, 110 of Chapter 9 of the Laws of Malta, and also Article 35(d) of Chapter 399 of the Laws of Malta. With regards to punishment heard also Fr Mark Montebello, considered also accused's clean conviction sheet, thus with regards to punishment, seen also Section 17 of Chapter 9 of the Laws of Malta, and condemns him to two(2) years imprisonment suspended for four(4) years, after having seen Section 28A of Chapter 9 of the Laws of Malta.

Seen also Section 109 of Chapter 9 of the Laws of Malta, which though not mentioned by Attorney General in his note is a Section that is mandatory on the Courts with its application, thus condemns the accused to a general interdiction as also to an interdiction from acting as a witness, except in a Court of Law or from acting as a referee in any case whatsoever for ten years.

< Final Judgement >

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