



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

**MAGISTRATE DR.
ANTONIO MIZZI**

Sitting of the 6th March, 2009

Number. 207/2009

The Police
(Inspector Ian Abdilla)

VS

Catalin Tarhon, son of Marin, born in Tulcea, Romania on
the 4th October, 1981

The Court,

Having seen the charges proffered against the accused –
A. with having, on the Islands, on the 5th March, 2009
and in the preceding

days, months and years, in various parts of Malta and
outside Malta, by means of several acts committed by the
accused, even if at different times, which acts constitute
violations of the same provisions of the law:

1. for having promoted, constituted, organized or
financed an organization of two or more persons with a

view to commit criminal offences liable to the punishment of imprisonment for a term of four years or more (which offences include fraud and other crimes);

2. for having made part or belonged to an organization referred to in subsection 1 of section 83A of the Criminal Code;

B. with having, in Malta, on the 5th March, 2009 and in the preceding days,

months and years, by means of several acts committed by the accused,

even if at different times, which acts constitute violations of the same

provisions of the law:

3. for having, without authorization, copied any data, software or supporting

documentation to any storage medium other than that in which it is held

or to a different location in the storage medium in which it is held;

4. for having, 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 a gain of more than €2,329.37 to the detriment of HSBC Bank Malta plc and Bank of Valletta Limited;

5. for having, knowingly made use of any false acts, writings, instruments or documents;

6. for having committed any other kind of forgery, or knowingly made use of any other forged document;

C. with having in Malta, on the 5th March, 2009 and in the preceding days,

months and years:

7. for having forged, altered or tampered with one passport or used or had in his possession a passport which he knew to be forged, altered or tampered with, being a Danish passport in the name of Stephan Kastri bearing number 111714329;

8. for having driven a motor-car or other vehicle without a license;

9. for having, on the night between the 3rd and 4th of November, 2007, disobeyed the lawful orders of any authority or of any person entrusted with a public service, or hindered or obstructed such person in the exercise of his duties, or otherwise unduly interfered with the exercise of such duties, either by preventing other persons from doing what they are lawfully enjoined or allowed to do, or frustrating or undoing what has been lawfully done by other persons, or in any other manner whatsoever, unless such disobedience or interference falls under any other provision of the Criminal Code or of any other law.

The Court has been requested to apply 'mutatis mutandis' the provisions of section 5 of the Money Laundering Act, Chapter 373 of the Laws of Malta, as per section 23A(2) of the Criminal Code.

The Court has been requested that in the case of a finding of guilt of the accused, apart from inflicting the punishment prescribed by Law, also orders the forfeiture of all the objects exhibited in these proceedings.

The Court has been 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 the Criminal Code.

Having seen the records of the case of the 6th march, 2009 from where it results that the prosecution withdrew the charge relating to the Money Laundering Act.

Having seen the records of the case of the 6th March, 2009 from where it results that the accused admitted to the charges as proffered.

Having heard the prosecution and the lawyer for the accused with reference to the punishment to be meted out to the accused.

Consequently, the Court finds the accused guilty of the charges as proffered. Having seen sections 83A, 184, 308, 337C(c) u 338(ee) of the Criminal Code, section 5 of Chapter 61 of the Laws of Malta and section 15(1)(a) of Chapter 65 of the Laws of Malta. Having seen the admission to the charges by the accused at the first possible occasion, his collaboration with the police and his clean conviction sheet, condemns the accused to a term of imprisonment of three years. In the circumstances, there is no need for the application of section 533 of the Criminal Code.

< Final Judgement >

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