



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

**MAGISTRATE DR.
EDWINA GRIMA**

Sitting of the 3rd August, 2009

Number. 1072/2008

**The Police
(Inspector Ian Joseph Abdilla)**

Vs

Ovidiu Nedelcu (30years, nationality Romanian, son of late Maricel and Costanea (maiden surname unknown) born in Brasov (Romania) on the 27th June 1978, and residing in Mucitorilor Str, No 20B1, Apartment 10, Brasov (Romania), Holder of Romanian Passport bearing number 12409738 issued on the 25th October 2006.

The Court;

Having seen the charges brought against the accused Ovidiu Nedelcu in that he was charged with having, on these islands, on the 4th November, 2008 and in the preceding weeks, in various parts of 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. with 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 tow thousand, three hundred and twenty nine Euro and thirty seven cents (€2,329.37), to the detriment of Bank of Valletta Limited and others;

2. with having, knowingly made use of any of the false acts, writings, instruments or documents mentioned in Article 184 of Chapter 9 of the Laws of Malta;

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

Having heard the evidence;

Having seen the Articles sent by the Attorney General in his note dated 3rd July, 2009,

Having heard the accused register a guilty plea which plea was reaffirmed after the accused was given adequate time to reconsider same.

Having heard submissions by both parties regarding the punishment to be inflicted;

Considers;

That in view of the guilty plea filed by the accused and in view of the evidence brought forward by the prosecution, this Court finds the accused guilty as charged.

That in considering the punishment to be inflicted the Court is taking into consideration the guilty plea filed by

Informal Copy of Judgement

the accused, his clean conduct sheet. Also since the third charge is an alternative charge to the second, the Court is finding the accused guilty only of the first and second charges brought against him.

Consequently the Court after having seen articles 308, 310(1)(a), 184, 17h and 533 of the Criminal Code finds the accused guilty of the first and second charge brought against him and acquits him of the third charge since this is an alternative charge to the second charged and condemns him to period of thirteen months imprisonment.

Also since after having seen Section 533 of the Criminal Code the Court orders the accused to pay to the Registrar of Courts the sum of eight hundred ninety two euros and fifty nine cents within one year from today being the fees related to the case appointed experts.

The Court authorizes the accused to withdraw document IA2 from the acts of the Court records.

< Final Judgement >

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