



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

**MAGISTRATE DR.
GABRIELLA VELLA**

Sitting of the 7th February, 2011

Number 265/2011

**The Police
(Insp. Geoffrey Azzopardi)**

Vs

Siba Abubakari

The Court,

After having seen the charges brought against Siba Abubakari, twenty eight (28) years, son of Abubakari and Rabietu, born in Nigeria on the 7th November 1982 and residing at Hal Far Tent Village, Police no. 08VV-023, of having in the weeks prior to the 6th February 2011, in Malta: (i) without lawful authority used or had in his possession a forged document required for the purpose of the Immigration Act (Art 32 (1) (f) of Chapter 217 of the Laws of Malta); (ii) made use or attempted to make use of a passport issued to any other person (Art 4 of Chapter 61 of the Laws of Malta);

After having examined all documents forming part of the proceedings;

After having heard the accused plead guilty to the charges brought against him notwithstanding the fact that the Court in terms of Section 453(1) of Chapter 9 of the Laws of Malta, warned him in the most solemn manner of the legal consequences of his guilty plea after having given him sufficient time within which to reconsider and withdraw his guilty plea;

In the light of the guilty plea submitted by the accused, the Court has no alternative but to find him guilty of the charges brought against him;

With regards to the punishment the Court heard submissions by the Prosecuting Officer and Defense Counsel and took into consideration the fact that the accused was in possession of the forged document for the purposes of entering a local disco. The Court also took into consideration that the accused fully co-operated with the Police and that he submitted an early guilty plea;

Therefore whilst having seen and considered Section 32(1)(f) of Chapter 217 of the Laws of Malta and Section 4 of Chapter 61 of the Laws of Malta, the Court finds the accused guilty of the charges brought against him and condemns him to six (6) months imprisonment however, since the Court is of the opinion that there are sufficient reasons which warrant that the said term of imprisonment be suspended, in terms of Section 28A of Chapter 9 of the Laws of Malta, suspends the said term of six (6) months imprisonment for a period of one (1) year from date of this judgment;

In terms of Section 28A(4) of Chapter 9 of the Laws of Malta the Court has explained to the accused in plain language his liability under Section 28B of Chapter 9 of the Laws of Malta if during the operational period he commits an offence punishable with imprisonment.

Informal Copy of Judgement

< Final Judgement >

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