



**QORTI TAL-MAGISTRATI (MALTA)
BHALA QORTI TA' GUDIKATURA KRIMINALI**

**MAGISTRAT DR.
JACQUELINE PADOVANI**

Seduta ta' l-1 ta' Novembru, 2010

Numru 1128/2010

**POLICE
INSPECTOR GEOFFREY AZZOPARDI
VS
KELVIN BELLO**

The Court,

Having seen the charges brought against the accused Kelvin Bello, 28 years, son of Bello and Otindi Isha, born Nigeria on the 5th of May 1982 and residing at Marsa Open Centre, holder of Police number 08EE070.

Charged with having on the 30th October 2010 and in the prior weeks, in Malta:

1. Forged, altered or tampered with any passport or used or had in their possession any passport which they

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knew to be forged, altered or tampered with, in terms of Art.5, Chapter 61 of the Laws of Malta;

2. Without lawful authority used or had in their possession any forged document required for the purposes of the Immigration Act, in terms of Art. 32 (1) (f), Chapter 217 of the Laws of Malta;

3. Knowingly made use of the forged documents, that is Dutch passport no.NPF3K6L18 in terms of Art. 189, Chapter 9 of the Laws of Malta.

Having heard the evidence tendered on oath;

Having heard the guilty plea registered by the accused;

Having heard the confirmation of the said guilty plea by the accused after the Court accorded the accused a reasonable time for reconsideration;

Having seen the record of the proceedings;

Having heard the oral submissions of the parties;

Deliberates:

On the strength of his own guilty plea, the Court finds the accused **Kelvin Bello** guilty as charged and after having seen article 5 of Chapter 61 of the Laws of Malta, Article 189 and 28 A of Chapter 9 of the laws of Malta and Article 32 (1)(f) of Chapter 217 of the Laws of Malta condemns the accused Kelvin Bello to ten (10) months imprisonment suspended for two years.

The Court explained the consequences of a suspended Sentence to the accused in a manner to ensure that he fully understood the repercussions thereof.

This punishment was awarded after the Court took in to consideration the fact that the accused was a first

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offender, that they registered a guilty plea in the early stages of the proceeding and in view of all the circumstances of the case. In these circumstances the Maltese Courts do not ordinarily inflict imprisonment as the punishment due, but rather award an alternative punishment. Punishment of incarceration in this case, in the light of all the circumstances, may be interpreted as discriminatory on the basis of status, race and colour of the accused, discrimination which may in no way be inflicted by a Court of Law.

< Sentenza Finali >

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