



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

**MAGISTRATE  
ANTONIO GIOVANNI VELLA**

Sitting of the 12 th April, 2012

Number. 308/2012

**POLICE**

**VS**

**VIRUL SINAN**

**The Court;**

After seeing the charges brought against:

Virul Sinan of 39 years, son of Seyit and Guleser nee' Ozkapici, born in Sarkisla (Turkey) on the 11<sup>th</sup> June 1972, residing at 56, Sir Ugo Mifsud Street, Lija holder of Maltese Identity card number 120708L;

With having in these islands, between the months of December 2010 and January 2012, committed several acts by himself, even if at different times, which constitute

violations of the same provision of the law and which were committed in pursuance of the same design;

1) committed forgery of any authentic and public instrument or of any commercial document or private bank document, by counterfeiting or altering the writing or signature, by feigning any fictitious agreement, disposition, obligation or discharge, or by the insertion of any such agreement, disposition, obligation or formation thereof, or by any addition to or alteration of any clause, declaration or fact which such instruments or documents were intended to contain or prove;

2) also with having during the same period of time and circumstances knowingly made use of any of these false acts, writings, instruments or documents;

3) and also with having during the same period of time and circumstances made or issued any declaration or certificate falsely made;

4) and also with having during the same period of time and circumstances in order to gain any advantage or benefit for himself or others, shall in any document intended for any public authority, knowingly made a false declaration or statement, or gave false information;

5) and also with having during the same period of time and circumstances committed any other kind of forgery, or knowingly made use of any other forged document;

**Considers:**

The facts of the case were as follows. The accused is a qualified engineer, specialising in the supply and installation of solar energy panels. In the period in question, he was carrying out his business here in Malta, in employment with a local agency, providing clients with solar energy panels for domestic and industrial use. He

started encountering problems with the local authorities due to the non-recognition of his credentials, and in order to speed up the process of his clients' applications for the supply and installation of these panels, he sought to falsify the signature of a maltese accredited engineer, together with his warrant number and registered credentials.

This activity continued for a period of around one year, when finally the attention of the Police was drawn to this wrong behaviour on the accused. Both Enemalta and the Malta Resources Authority were alerted by 20 applications filed by the maltese engineer, who upon verification informed them that he did not sign his name on those applications. Vural Sinan was duly investigated, and confessed his crime to the Police during his interrogation. The statement released by the accused is ample evidence of this.

From the evidence submitted in Court, it appears that the sole intention of the accused was to speed up the application process of his clients, and not to make any fraudulent gain for himself or the company he was employed with. This was clearly laid out by the Prosecution in the submissions made by the parties regarding punishment. In fact, the accused actually supplied better solar energy panels than the ones ordered, at no extra cost for the client, as the technology in the field of renewable energy was improving on a regular basis. There was no financial gain, either for him or for the company. The gain was simply one of time. He falsified the details of the maltese warranted engineer in order to facilitate the applications of his clients. The Police in fact carried out a thorough investigation into this matter, and retrieved all the applications submitted in this incorrect way by the accused, totalling 22 in all. Copies of these applications have also been exhibited in these proceedings.

In view of the accused's early plea of guilty, the Court can move to deliver judgement in this case. After hearing the submissions made by both parties, the Court sees that the charges numbered 1, 2 and 5 were given as alternative

charges to those numbered 3 and 4, which in fact are the actual charges that relate to the facts of the case in question. The Court will therefore abstain from taking any further cognizance of charges 1, 2 and 5.

In view of the lack of financial gain by the accused, in view of his early admission, and in view of his clean conduct sheet and his current ties with Malta and with his employment, the Court is of the opinion that the punishment need not be one of imprisonment, but sees scope for mitigation. It is clear that the accused has in fact not only admitted his wrongdoings, but has also undertaken to assist Enemalta and the Malta Resources Authority to rectify the effects of the false applications he had filed in the said period.

**Now, therefore, for these reasons, the Court;**

After having seen the Articles 18,183,184, 185(2), 188 and 189 of Chapter 9 of the Laws of Malta;

After having seen the accused admit the charges brought against him, which admission was confirmed by him after having been given due time to reconsider in accordance with the law;

After having heard the evidence and the documents exhibited;

After having heard the accused's plea and after having given the time prescribed by Law for the accused to consider his plea;

This Court finds the said accused guilty as charged but discharges him from any punishment on condition that he does not commit another offence within the period of three (3) years from today, in accordance with the provisions of Article 22 Chapter 446 of the Law of Malta.

Informal Copy of Judgement

Furthermore abstains from taking cognisance of charges 1, 2 and 5, as these were issued by the Prosecution as alternative charges to 3 and 4.

The Court explained in clear words the terms of the judgement to the accused.

**< Final Judgement >**

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