



**COURT OF MAGISTRATES (MALTA)
AS A COURT OF CRIMINAL JUDICATURE
MAGISTRATE DR.
ANTONIO MICALLEF TRIGONA**

Sitting of the 14 th January, 2014

Number 1019/2013

The Police
(Insp Jonathan Ferris)
vs
Marian Barbut

The Court,

Having seen the charges laid against the accused, holder of Romanian Passport with number 050793864;

Charged with having in the days between the 5th and 12th October 2013 by several acts committed by him, even if at different times which constitute violations of the same provision of the law, committed in pursuance of the same design:

1. Conspired with one or more persons in Malta or outside Malta for the purpose of committing any crime in Malta liable to the punishment of imprisonment, not being a crime in Malta under the Press Act;
2. Promoted, constituted, organised or financed an organisation of two or more persons with a view to commit criminal offences;
3. 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 gain of more than the sum of over two

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thousand, three hundred and twenty nine Euros and twenty seven Euro cents (2329.27 Euro) to the detriment of Bank of Valletta plc and/or APS Bank Ltd

4. Wilfully committed any spoil, damage or injury to or upon any movable or immovable property belonging to any other person, which damage exceeds one thousand and one hundred and sixty four Euro and sixty nine cents (1164.69 Euro) to detriment of Bank of Valletta plc and/or APS Bank Ltd

The prosecution requested the Court to apply the dispositions of Article 23A (2) of Chapter 9 of the Laws of Malta;

Moreover the prosecution requested the Court in the case of guilt besides applying the appropriate penalty according to the law, orders the accused to pay all the appointed experts expenses, if it was the case, as provided by Article 533 of Chapter 9 of the Laws of Malta.

Having seen the articles of law indicated by the Attorney General in its note of transmission of the proceedings to this Court;

Having heard the accused declare that he has no objection that proceedings be heard summarily and decided by this Court;

Having seen all the acts and records;

Considers

That the note of transmittal by the Attorney General indicts the accused with:

- the crime of association
- the crime of promoting, constituting, organising or financing an organisation of two or more persons for committing criminal offences;
- the crime of aggravated fraud;
- the crime of voluntary damage;

The Attorney General considers the aforementioned crimes as a continuous offence.

For such crimes indicated by the Attorney General, accused entered a guilty plea upon which he insisted even after the Court allowed him time to reconsider;

Upon this guilty plea, the Court finds the accused guilty of all the charges brought against him.

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Having seen Article 18, 48A, 83A (2), 308, 309, 310(1)(a), 325 (1)(a), 17 and 31 of Chapter 9, condemns him to a term of 20 months imprisonment.

< Final Judgement >

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