



MALTA

COURT OF MAGISTRATES (MALTA)
AS A COURT OF CRIMINAL JUDICATURE
MAGISTRATE
AARON BUGEJA

Sitting of the 17th October, 2014

Number. 1008/2014

The Police

(Spettur Frankie Sammut)

vs

Miroslav Zdravkovic

The Court after seeing the charges dated 17th October, 2014 in respect of Miroslav Zdravkovic 36 years of Serbian nationality, born in Leskovac on the 20th April 1978, son of Radomir and Svetlana nee Mladenovic, residing at El Paradiso Court, Flat 8, Triq tal-Hriereb, Msida, holder of Serbian Passport number 011194768 and having charged him :

- a. With having on the 16th October 2014 in these islands forged, altered, or tampered with a passport or used or had in his possession a passport which he knew to be forged, altered or tampered with, in the name of Miroslav Zdravkovic bearing numbers 011194768 (Section 5 of Chapter 61 of the Laws of Malta);

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- b. With having on the same date, time and circumstances committed any other kind of forgery or have knowingly made use of any other forged document in the mentioned documents (Article 189 of the Criminal Code);
- c. With having on the same date, time and circumstances forged any document or true copy of a document or an entry made in pursuance of the Immigration Act (Section 32(1)(d) of Chapter 217 of the Laws of Malta).

Having seen that during the examination of the accused in terms of Article 392 and 370(4) of the Criminal Code the accused declared that he found no objection to his case being dealt with summarily.

Having also seen that the Attorney General declared by means of a note exhibited at fol 10 that he granted his consent to this case being dealt with summarily;

Having seen that the accused, in reply to the question posed in terms of Article 392(1)(b) of the Criminal Code by the Court declared that he was guilty as charged.

The Court, in view of this declaration warned the accused in the most solemn manner about the consequences arising out of his guilty plea and granted him a reasonable time in order for him to retract this guilty plea. After that the Court granted this time to the accused, and after consulting with his legal counsel, the accused reiterated that he is guilty as charged.

In view of this declaration, duly reiterated, the Court had no option but to find the accused guilty as charged.

Having seen the records of the proceedings as well as the criminal record sheet of the accused.

Having heard the final oral submissions of the Prosecuting Officer and of the Legal Counsel to the accused, namely that :

The Prosecuting Officer stated that :

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1. the passport was a genuine document however on pages 3 and 4 of the same there were four stamps showing entry and exit from Germany, which stamps were in fact false in the sense that the accused never entered or exited Germany as purported by these stamps;
2. that the accused co-operated fully with the Police;
3. that the accused had a clear criminal record sheet and in this particular case it invited the Court to consider the punishment of imprisonment suspended in terms of Article 28A of the Criminal Code;
4. That in any case the accused was going to be deported back to his country of origin – Serbia.

The Defence Counsel submitted that :

1. the Court could consider this guilty plea as being registered at the earliest possible stage of these proceedings;
2. it agreed with the Prosecution in its suggestion for the punishment that could be considered to be meted out by the Court.

Decide :-

Consequently, this Court, after having seen Articles 17, 31 and 189 of the Criminal Code, as well as Section 5 of Chapter 61 of the Laws of Malta and Article 32(1)(d) of Chapter 217 of the Laws of Malta, finds the accused Miroslav Zdravkovic, upon his unconditional guilty plea, guilty as charged and condemns him to six months imprisonment; however having seen Article 28A of the Criminal Code it orders that the said sentence shall not take effect unless, during a period of two years from the date of this order, the offender commits another offence punishable with imprisonment and thereafter the competent court so orders under Article 28B of the Criminal Code that the original sentence shall take effect.

In terms of Article 28A(4) of the Criminal Code, the Court declares and explains in ordinary language to the accused his liability in terms of Article 28B of the Criminal Code if during the operational period he commits an offence punishable with imprisonment.

Delivered today the 17th October 2014 at the Courts of Justice in Valletta, Malta.

< Final Judgement >

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