



MALTA

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

Sitting of the 7 th November, 2014

Number. 817/2014

**The Police**

**(Inspector Edel Mary Camilleri)**

**vs**

**Abas Ali Hanishi**

The Court after seeing the charges dated 2<sup>nd</sup> September 2014 in respect of Abas Ali Hanishi, 18 years of age, born in Somalia, of Somali nationality, born on the 1<sup>st</sup> January 1996, son of Ali Hanishi and Ambarra Dhore Giemele residing at Andres Court, St. Ubaldesca Street, Paola, holder of immigration police number 130-027 where by he was charged

- a. With having on the 1<sup>st</sup> September 2014 in these islands was in possession of a passport issued in the name of another person (Section 3 of Chapter 61 of the Laws of Malta);

## Informal Copy of Judgement

- b. With having on the same date, time and circumstances made a false return, false statement, or false representation and/or furnished the Principal Immigration Officer with false information in violation of the Immigration Act (Section 32(1)(c) 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 4 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 not guilty.

Having seen however that during the sitting of the 7th November 2014 the accused pleaded 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.

**Decide :-**

Consequently, this Court, after having seen Section 3 of Chapter 61 of the Laws of Malta and Article 32(1)(c) of Chapter 217 of the Laws of Malta, finds the accused 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.

The Court orders also that the confiscation of the corpus delicti.

**Delivered today the 7th November 2014 at the Courts of Justice in Valletta, Malta.**

**< Final Judgement >**

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