



MALTA

**COURT OF MAGISTRATES (MALTA)
AS A COURT OF CRIMINAL JUDICATURE
MAGISTRATE DR.
GABRIELLA VELLA**

Sitting of the 12 th February, 2015

Number 172/2015

**Police
(Inspector Frankie Sammut)**

Vs

Branislav Jankovic

The Court,

After having seen the charges brought against Branislav Jankovic, thirty three (33) years of age, a Serbian National, born in Serbia on the 22nd August 1981, son of Dragan and Branislava, residing at Emerald, Flat 1, Triq Giovanni Schranz, Msida, and holder of Passport Number No. 004797757, of having on the 10th February 2015 in these islands:-

1. Forged, altered or tampered with a Bulgarian Identity Card or document, or used or had in his possession a Bulgarian Identity Card or document, which he to be forged, altered or tampered with, in the name of Stoyanov Martin in violation of Section 5 of Chapter 61 of the Laws of Malta;
2. On the same date, time and circumstances committed any other kind of forgery, or having knowingly made use of any other forged document, in the mentioned documents in violation of Section 189 of Chapter 9 of the Laws of Malta;
3. On the same date, time and circumstances without lawful authority used or had in his possession any document required for the purposes of the Immigration Act which is forged in violation of Article 32 (1)(f) of Chapter 217 of the Laws of Malta;

After having examined all documents submitted in the records of these proceedings;

After having heard the accused declare that he does not object to his case being dealt with summarily and after hearing him plead guilty to the charges brought against him and this notwithstanding the fact that the Court in terms of Section 453(1) of Chapter 9 of the Laws of Malta, also warned him in the most solemn manner of the legal consequences of his guilty plea after having given him sufficient time within which to reconsider and withdraw his guilty plea;

After having heard submissions regarding punishment and after having considered the fact that the second charge brought against the accused is alternative to the first charge brought against him;

Considers:

The accused is being charged of having on the 10th February 2015 in these islands: (1) Forged, altered or tampered with a Bulgarian Identity Card or document, or used or had in his possession a Bulgarian Identity Card or document, which he to be forged, altered or tampered with, in the name of Stoyanov Martin in violation of Section 5 of Chapter 61 of the Laws of Malta; (2) On the same date, time and circumstances committed any other kind of forgery, or having knowingly made use of any other forged document, in the mentioned documents in violation of Section 189 of Chapter 9 of the Laws of Malta; (3) On the same date, time and circumstances without lawful authority used or had in his possession any document required for the purposes of the Immigration Act which is forged in violation of Article 32 (1)(f) of Chapter 217 of the Laws of Malta.

The accused pleaded guilty to all the charges brought against him and in view of said admission of guilt the Court finds him guilty of the first and the third charges brought against him but does not take further cognisance of the second charge brought against him since the said charge is alternative to the first charge brought against the accused.

In so far as concerns punishment the Court took into account the fact that the accused registered a guilty plea at an early stage of the proceedings and that he co-operated with the Police and provided them with useful information to solve other crimes.

Therefore after having considered Section 5 of Chapter 61 of the Laws of Malta and Section 32(1)(f) of Chapter 217 of the Laws of Malta, the

Court reiterates that it is finding the accused guilty of the first and the third charges brought against him but does not take further cognizance of the second charge brought against him since it is alternative to the first charge brought against him, and condemns him to six (6) months imprisonment, however since the Court is of the opinion that in this case there are sufficient reasons which warrant the suspension of the said term of imprisonment, namely the early guilty plea registered by the accused and the fact that he co-operated with the Police and provided them with useful information to solve other crimes, in terms of Section 28A of Chapter 9 of the Laws of Malta suspends the said term of six (6) months imprisonment for a period of one (1) year from today.

In terms of Section 28A(4) of Chapter 9 of the Laws of Malta the Court explained to the accused in plain language his liability under Section 28B of Chapter 9 of the Laws of Malta if during the operational period of this suspended sentence he commits an offence punishable with imprisonment.

< Final Judgement >

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