



MALTA

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

MAGISTRATE DR. SIMONE GRECH

Sitting of the 11th January 2019

**The Principal Immigration
Officer
(Inspector Hubert Gerada)**

-vs-

Khorati Sardar Khan

The Court,

Having seen that the accused Khorati Sardar Khan of 35 years son of Walikhan and Marjanbibi, born in Afghanistan on the 01/01/1984, residing in Italy and holder of Afghanistan Passport No: 02400920 and Italian Residence Permit No” 106714036, was charged with having:

“...on 10th January 2019 or previous days somewhere in these islands or somewhere else, forged, altered or tampered with, being A false British Residence Permit bearing number RH 4353147 for used or had in his possession same false document, which he knew to be forged, altered or tampered with (Chap. 61, Sec. 5 of the Laws of Malta);

And charge him also with having on same date, time and circumstances committed any other kind of forgery, or have knowingly made use of any other forged document mentioned above (Chap. 9, Sec. 189 of the Laws of Malta);

And charge him also with having on same date, time and circumstances forged any document or true

copy of a document or an entry made in pursuance of this act (Chap.217, Sec. 32 (1d) of the Laws of Malta).”

Having seen all the acts and documents of the case.

Having heard the accused plead guilty to the charges brought against him, notwithstanding the fact that the Court warned them 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;

Having heard the prosecution and defence counsel make their submissions.

Considers:

The accused pleaded guilty to the charges brought against him and the charges have been proven.

With regards to punishment the Court took into consideration the fact that the accused pleaded guilty at an early stage of the proceedings, the circumstances of the case and his clean record.

Consequently the Court after having seen Section 5 of Chapter 61 of the Laws of Malta, section 189 of Chapter 9 of the Laws of Malta, section 32(1)(d) of Chapter 217 of the Laws of Malta, sections 17, 31, 37(2) of Chapter 9 of the Laws of Malta, upon admission, finds the accused **Khorati Sardar Khan** guilty as charged and condemns him to a period of one (1) year imprisonment, which term of imprisonment after having seen Section 28A of the Laws of Malta is being suspended for a period of three (3) years.

The Court warns the accused with the consequences according to law if he were to commit another crime within the operative period of this judgment.

The Court recommends that the accused be deported back to the place where he resides, i.e. Italy.

Magistrate Dr Simone Grech