



MALTA

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

**MAGISTRATE DR.
ANTONIO MIZZI**

Sitting of the 28th January, 2004

Number 76/2004

The Police
(Supt. Neville Xuereb)

VS

He Wen Xian, son of He Tian, born in Shi Jia Juan, China
on the 9th February, 1976

and

Xie Xian Min, son of Xie Xi Shun,
born in Shi Yin City, Hu Bei, China on the 28th January,
1972

The Court,

Having seen the charges proffered against the accused –

1. that on the 27th January, 2004 and on the previous days in Malta, forged, altered or tampered with two Korean passports or had in their possession these passports which they knew to be forged, altered or tampered with;
2. with having, on the same dates and circumstances, without lawful authority, used or had in their possession

documents required for the purposes of the Immigration Act which were false;

3. with having, on the same dates and circumstances, in relation to any information to be given under/or for the purposes of the Immigration Act, made or caused to be made a false return, false statement or false representation and this by presenting two forged Korean passports issued in the names of Bae Ock Ja and Bae Jun Pyeong;

4. with having, on the same date and circumstances, committed forgery or knowingly made use of forged documents.

Having seen the records of the case of the 28th January, 2004 where both the accused admitted to the charges as profferred.

Consequently, the Court finds the accused guilty of the charges profferred against both the accused. Having seen section 5 of Chapter 61 of the Laws of Malta, section 32(1)(c) of Chapter 217 of the Laws of Malta and section 189 of the Criminal Code. The Court does not condemn them to a period of imprisonment but sets them free under the provisions of section 22 of Chapter 446 of the Laws of Malta on condition that they commit no further offence for a period of three years from today.

< Final Judgement >

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