



MALTA

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

**MAGISTRATE DR.
CONSUELO-PILAR SCERRI HERRERA**

Sitting of the 5 th August, 2004

Number 637/2004

**The Police
Inspector Mario Haber
V**

INGA DERGACHOVA

The Court

Having seen that the accused **INGA DERGACHOVA** daughter of Ivan and Svetlana nee Rudaya born in Keiv, Ukraine on the 28th November 1976, in possession of Ukranian passport number KC 350830 was arraigned before her accused with having on the 15th July 2004 at the St. Julian Police Station, in order to gain any advantage or benefit for herself or others, in any document intended for any public authority, knowingly made a false declaration or statement or gave false information.

Having seen all the documents exhibited in the acts of these proceedings by the Prosecution in particular the statements released by the accused on the 5th August 2004.

Having heard the accused plead guilty to the charges brought forward against her when she were duly examined in terms of sections 370(4), 390(1) and 392 of Chapter 9 of the Laws of Malta.

The Court explained to the accused the consequences of her plea of guilt and after having given her sufficient time to reconsider her plea of guilt and saw that the same accused insisted on registering in the acts of these proceedings their plea of guilt, had no alternative but to register such plea.

In the light of the above plea of guilt which guilty plea was made voluntarily, expressly and unconditionally, the Court is satisfied the accused is to be found guilty of the charges brought forward against her.

The Court considered the following facts as mitigating circumstances for the Court to go below the minimum in awarding punishment in terms of section 21 of Chapter 9 of the Laws of Malta:

1. In particular the full co-operation of the accused and this from an early stage right from the beginning of the investigation when she released their statement on the 5th August 2004;
2. The early plea of guilt registered in these proceedings during the first sitting when the examination of the accused took place in terms of sections 370(4), 390(1) and 392 of the Criminal Code and thus no precious time of the Court was wasted;
3. The clear conviction sheet of the accused exhibited in these acts of the proceedings.

So, the Court, having seen the relevant sections at law in particular section 5 of Chapter 61 and section 189 of Chapter 9 of the Laws of Malta decides to find the accused INGA DERGACHOVA guilty of the charges brought forward against her and condemns her to a period of one year imprisonment which period is being suspended for three year in terms of section 28A of the Laws of Malta.

The Court explained the importance of this judgment to the accused and the consequences should she fail to adhere to it.

The accused declared she understood the importance of this judgment.

The Court orders in terms of section 401(3) of Chapter 9 of the Laws of Malta that a copy of this judgment together the records of proceedings are to be forwarded to the Attorney General with three days from today.

< Final Judgement >

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