



MALTA

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

**MAGISTRATE
ANTONIO GIOVANNI VELLA**

Sitting of the 9th August, 2004

Number 581/2004

**THE POLICE
INSPECTOR ANGELO GAFA'**

VS

DI WANG

The Court;

Having seen the charges brought against Di Wang, 32 years old, son of Zong Qian and Yan nee' Chen, born at Liaoning in china on the 13th April 1973, of Chinese nationality and having passport number G05664356 issued on the 4th January 2003;

For having on these Islands, on the 21st July 2004 and the previous months in various parts of Malta, by means of several acts committed by the offender, even if at different times, which acts constitute violations of the same provisions of the Law;

For having counterfeited any seal, stamp, or other mark, used for sealing, stamping, marking, authenticating or certifying, in the name of the Government or of any of the authorities thereof, documents or effects, whether public or private property, or which are under the public guarantee;

And for having knowingly made use of any such seal, stamp or mark;

And for having forged, altered or tampered or had in his possession a passport which he knew to be forged, altered or tampered with;

And for having gained any advantage or benefit for himself or others, in a document intended for any public authority, knowingly made a false declaration or statement, or gave false information;

And for having on the same date and in the same circumstances, knowingly put into circulation, sold or kept for sale or imported, for any purpose of trade, any goods bearing a fraudulent imitation of any mark, device or emblem, that is 336 Digital Versatile Discs (DVDs) consisting of pornographic DVDs, Playstation 2 software and 71 movie DVDs;

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And for having, for gain, or by way of trade prints, manufactured, duplicated or otherwise reproduced or copied, or sold, distributed or otherwise offered for sale or distribution, any article or other thing in violation of the rights of copyright enjoyed by any other person and protected by or under Maltese Law;

Also, for having, for gain, or for distribution, or for display in a public place or in a place accessible to the the public, manufactured, printed or otherwise made, or introduced into Malta, or acquired, kept, put into circulation or exported, pornographic prints, photographs, films, or any other pornographic or obscene article whatsoever, whether similar to the above or not;

And for having traded in any article mentioned above, even if such trade is clandestine, or distributed any such article or displayed any such article in public or in a place accessible to the public;

And on behalf of the Comptroller of Customs:

For knowingly, on the 21st July 2004, having in his possession and/or under his control 336, uncustomed and counterfeit DVDs, as shown in the Seizure Note 30/2004, some of which were also pornographic;

For having also in the preceding months, with the intent to defraud the Maltese Government of duties thereon or to evade any prohibition or restriction of Customs' or under other Laws, knowingly, imported illegally or brought or was otherwise concerned in importing or bringing into these Islands the said DVDs. These DVDs, the importation of which is prohibited and/or restricted, have a total value of LM840, Duty Due which amounts to Lm29.40,0 which duty has not been paid or secured. This in contravention of Sections 60 (a) (b) (c) (f) (g) (h) (i) (k)

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of the Customs Ordinance, Chapter 37 of the Laws of Malta.

Moreover, on behalf of the Commissioner of VAT:

For Having on the 21st July, 2004 and/or in the preceding months, knowingly had in his possession and/or under his control 336 uncustomed and counterfeit DVDs as shown in the Seizure Note 30/2004;

And for having also in the preceding months, with the intent to defraud the Maltese Government of duties thereon or to evade any prohibition or restriction of Customs' or under other Laws, knowingly, imported illegally or brought or was otherwise concerned in importing or bringing into these islands the said DVDs. These DVDs, the importation of which is prohibited and/or restricted, have a total value of Lm840, Duty of Lm29.40c and VAT of Lm156.49c2, which duty and Value Added Tax have not been paid or secured and this in contravention of Article 80 of the VAT Act Nr. X of 2003.

Having seen the relative articles of the Laws;

Having heard the plea of guilty filed by the defence;

Declares the accused guilty as charged, and condemns him to a term of one (1) year imprisonment, from which the period of preventive custody, is to be deducted, and also to a fine of one thousand, eight hundred and sixty six maltese liri (Lm1,866).

The Court also orders that the expenses incurred in these proceedings are to be borne by the accused and that following the completion of the said term of imprisonment,

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the accused is to be deported from these Islands forthwith in accordance with the terms and provisions of the Law.

< Final Judgement >

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