



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

**MAGISTRATE DR.
ANTONIO MIZZI**

Sitting of the 1 st January, 1900

Number 1106/2004

The Police
(Inspector Denise Mula)
vs
Okeke Daddy Augustine,
son of Ben, born in Lagos, Nigeria on the 24th May, 1979

The Court,
Having seen the charges proffered against the accused –
1. that on the 17th December, 2004, in Malta, as a person who was in possession of a passport whether issued to him by a competent authority or not, transferred such passport to another person;
2. that on the 19th December, 2004, at St. Julians Police Station laid before the Executive Police an information regarding an offence, knowing that such offence was not committed, or falsely devised the traces of an offence in such a manner that criminal proceedings may be instituted for the ascertainment of such offence.

Having seen the noted filed by the Attorney General whereby he authorised the Court to hear this case summarily.

Hving heard the witnesses, including the accused.

Considers,

That on the evening of the 19th December, 2004 a person by the name of Nnadozi Collins Ikelhukwe, a Nigerian national with a Nigerian passport, went to the airport to board a flight to London. On showing his passport to the Immigration Officer, the latter noticed that the photograph on the passport did not match the person who was in front of him. The name on the passport was that of the accused whom he knew played football for the team of Lija. Most important of all the goalkeeper for Lija, Simon Agius, was another immigration officer. Consequently, the second Immigration Officer was called and he confirmed that this particular person did not bear the name of the accused. As a matter of fact his real name was Nnadozi Collins Ikelhukwe.

Collins confirmed that the passport was not his and stated that the accused had given him his passport for the price of USD1,500.

It must be stated that Collins was not on his own but with another person by the name of Minabo Aseshemi, also a Nigerian national. The Immigration Officers stopped this person but his travelling documents were found to be in order. It must be stated that an Immigration Officer noticed that this person was making a call on his mobile phone and he overheard him say the words: “we’re fucked”. He did not know who was on the other side of the line.

Whilst Simon Agius was going to the departure side of the airport (he was working in the arrivals side of the airport) he received a telephone call from the accused who said that he was being set up by unknown person who had

stolen his passport. Simon Agius told him to make a report to the police informing them that his passport was stolen and that it was at the airport.

The accused followed the advice given to him by Simon Agius and went to the St. Julians Police Station where he lodged a report that his passport had been stolen but had been found at the airport. This report was lodged at 2100 hours of the 19th December, 2004. The report stated that the passport of the accused was stolen on the 15th December, 2004.

The Prosecution produced in Court the records of the phone calls between the accused and Minabo Aseshemi. A number of phone calls were made and the accused gave evidence in Court that Minabo phoned him in order that the accused does not alarm himself.

The accused gave his evidence under oath and stated that his passport was stolen on the 15th December, 2004 from his car. He stated that he always kept his passport in his car but he did not notice that it went missing. Moreover, he stated that he never saw Collins and did not know whom he was.

From the evidence produced it transpires that the version put forward by the accused is not credible. Moreover, a little detail which is of a certain significance is that in the passport of the accused there is a valid exit stamp from Malta but no stamp indicating that he had returned to Malta. The accused stated that he had left Malta only once and so this stamp is unaccounted for.

It is the opinion of this Court that the Prosecution has proved its case beyond any reasonable doubt with reference to both charges proffered against the accused.

Consequently, the Court finds the accused guilty of the charges proffered against him. Having seen section 110(2) of the Criminal Code and section 3(a) of Chapter 61 of the Laws of Malta condemns him to the payment of a fine (multa) of five hundred Malta Liri (Lm500).

Informal Copy of Judgement

< Final Judgement >

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