



MALTA

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

**MAGISTRATE DR.  
JACQUELINE PADOVANI**

Sitting of the 10 th January, 2006

Number. 1131/2005

POLICE  
INSPECTOR IAN JOSEPH ABDILLA  
INSPECTOR NADIA LANZON  
VS  
NIKOLAY IVANOV TABAKOV

The Court,

Having seen the charges brought against the accused Nikolay Ivanov Tabacov, of 30 years, son of Ivan Tabakov and Milka nee' Hristoua, born in Varna Bulgaria on the 13<sup>th</sup> January 1975 and residing at Str.Dobri Chintoulov No.18, Varna, Bulgaria, holder of Bulgaria Passport number 330469004, issued on 21<sup>st</sup> August 2003 by the Bulgarian Authorities, and charge him with having, on these Islands, on the 22<sup>nd</sup> December 2005 and in the preceding months, in various parts of Malta and outside Malta, by means of several acts committed by the

accused, even if at different times, which acts constitute violations of the same provisions of the law:

(a) for having promoted, constituted, organized or financed an organization of two or more persons with a view to commit criminal offences liable to the punishment of imprisonment for a terms of four years or more, and this in breach of Sections 18 and 83A(1) and (5) of Chapter 9 of the Laws of Malta

(b) for having, make part or belonged to an organization referred to in Subarticle (1) of Article 83A of Chapter 9 of the Laws of Malta, and this in breach of Sections 18 and 83A(2) and (5) of Chapter 9 of the Laws of Malta

(c) for having, in Malta conspired with one or more persons in Malta or outside Malta for the purpose of committing any crime in Malta liable to the punishment of imprisonment, not being a crime in Malta under the Press Act, and this in breach of Sections 18 and 48A of Chapter 9 of the Laws of Malta.

Furthermore, the accused is being charged with having, on these Islands, on the 21<sup>st</sup> December 2005 and in the preceding months, in Malta, by means of several acts committed by the accused, even if at different times, which acts constitute violations of the same provisions of the law:

(a) for having, by means of any unlawful practice, or by the use of any fictitious name, or the assumption of any false designation, or by means of any other deceit, device or pretence calculated to lead to the belief in the existence of any fictitious enterprise or of any imaginary power, influence or credit, or to create the expectation or apprehension of any chimerical event, made a gain of more than three thousand pounds (Lm3000), to the detriment of HSBC Bank Malta Ltd, and other persons or companies, and this in breach of Sections 18, 308, 309 and 310 of Chapter 9 of the Laws of Malta

(b) with having, committed forgery of any authentic and public instrument or of any commercial document or private bank documents, by counterfeiting or altering the writing or signature, by feigning any fictitious agreement, disposition, obligation or discharge, or by the

insertion of any such agreement, disposition, obligation or discharge in any of the said instruments or documents after the formation thereof, or by any addition or to alteration of any clause, declaration or fact which such instruments or documents were intended to contain or prove, and this in breach of Sections 18 and 183 of Chapter 9 of the Laws of Malta

(c) with having, knowingly made use of any of the false acts, writings, instruments or documents mentioned in Article 184 of Chapter 9 of the Laws of Malta, and this in breach of Sections 18 and 184 of Chapter 9 of the Laws of Malta

(d) with having committed any other kind of forgery, or knowingly made use of any other forged document, and this in breach of Sections 18 and 189 of Chapter 9 of the Laws of Malta.

The Court was hereby kindly requested to apply mutatis mutandis the provisions of Article 5 of the Money Laundering Act, Chapter 373 of the Laws of Malta, as per Section 23A(2) of Chapter 9 of the Laws of Malta.

The Court was also hereby kindly requested that in case of a finding of guilt of the accused, apart from inflicting the punishment prescribed by Law, also orders the forfeiture of all the objects exhibited in the proceedings.

The Court was also hereby kindly requested that, in pronouncing judgment or in any subsequent order, sentence the person/s convicted, jointly or severally, to the payment, wholly or in part, to the Registrar, of the costs incurred in connection with the employment in the proceedings of any expert or referee, within such period and in such amount as shall be determined in the judgment or order, as per Section 533 of Chapter 9 of the Laws of Malta.

Having heard the evidence tendered on oath;

Having seen the record of the proceedings;

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Having seen that the accused registered a plea of admission of guilt;

Having seen the renvoi of the Attorney General outlining the articles of law upon which this Court may pronounce guilt;

Having seen the note in the records of the proceedings wherein the accused registered no objection in being adjudicated by the Court of Magistrates.

Having heard the oral submissions of the parties;

Considers:-

On the strength of his own admission, the Court finds the accused guilty as charged, and after having seen Articles 18, 83A(1)(2)(5), Article 48A of the Criminal Code, Articles 183, 184, 189, 308, 309, 310, 28A and 31 of Chapter 9 of the Laws of Malta, condemns the accused to two years imprisonment suspended for a period of four years.

**< Final Judgement >**

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