



**QORTI TAL-MAGISTRATI (MALTA)
BHALA QORTI TA' GUDIKATURA KRIMINALI**

**MAGISTRAT DR.
MICHAEL MALLIA**

Seduta tas-6 ta' Dicembru, 2006

Numru. 1281/2006

The Police

(Inspector Angelo Gafa)

vs

**Shivaraj Singh Thakur and
Vinod Kumar Reddy Kaithi**

Today: 6th December, 2006

The Court,

Saw the charges issued by the Police against Shivaraj Singh Thakur, 27 years, son of Mahender Singh Thakur and Nagubai Thakur, born at Hyderabad in India on the 20th June 1979, and holding passport no. F1466733 issued on the 23rd November 2004; and Vinod Kumar Reddy Kaithi, 25 years, son of Pratap Reddy Kaithi and Kausalya Kaithi born at Hyderabad in India, on the 9th January, 1981, and holding passport no. F0899213 issued on the 5th October 2004 they were accused with having:

In these Islands, in November 2006, by means of several acts, even if at different times, that constituted violation of the same provisions of the law, and committed in pursuance of the same design, knowingly made use of any false acts, writings, instruments or documents in breach of Art. 184 of Chapter 9 of the Laws of Malta;

In the same period and under same circumstances, in order to gain any advantage or benefit for themselves or others, in a document intended for a public authority, knowingly made a false declaration or statement or gave a false information in breach of Art. 188 of Chapter 9 of the Laws of Malta;

In the same period and under same circumstances, committed any other kind of forgery, or knowingly made use of any other forged document in breach of Art. 189 of Chapter 9 of the Laws of Malta;

In these Islands, in November 2006, by means of 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, acquired a VISA to the Czech Republic to the prejudice of the Consulate of the Czech Republic in breach of Art. 308 of Chapter 9 of the Laws of Malta;

Shivaraj Singha Thakur alone is also charged with haning in these Islands, in November 2006, and preceding months, by means of several acts, even if at different times, that constituted violation of the same provisions of the law, committed forgery of any authentic and public instrument or of any commercial document or private bank document, by counterfeiting or altering the writing or signature, by feigning any fictitious agreement, disposition,

obligation or discharge, or by the instruments or documents after the formation thereof, or by any addition to or alteration of any clause, declaration or fact which such instruments or documents were intended to contain or prove in breach of Art. 183 of Chapter 9 of the Laws of Malta;

In the same period and under same circumstances, forged an identity card in breach of Art. 14(2)(c) of Chapter 258 of the Laws of Malta;

In these Islands between the 1st December 2006 and 3rd December 2006, knowingly suppressed, or in any other manner destroyed or altered the traces of, or any circumstantial evidence relating to an offence in breach of Art. 111(2)(a) of Chapter 9 of the Laws of Malta;

The Court having seen the charges;

Having heard the accused both plead guilty as charged.

On the basis of this declaration and having seen Articles 184, 188, 189, 308, 183 111(2)(a) of Chapter 9 and Article 14(2)(c) of Chapter 258 of The Laws of Malta.

Declares both accused to be guilty as charged;

Having heard submissions as to the punishment to be applied, having seen that accused pleaded guilty at an early stage of the proceedings and that they co-operated with the police in their investigations so that it deems proper to inflict a lower punishment than that prescribed by law, having seen Art 21 of Chapter 9 of The Laws of Malta, condemns Shivaraj Singh Thakur to a term of imprisonment for one year and Vinod Kumar Reddy Kaithi to a term of imprisonment of eighteen months which term is to be suspended for two years on the basis of Art. 28A of Chapter 9 of the Laws of Malta.

Kopja Informali ta' Sentenza

The Court also orders the destruction of the hard drive and the visas mentioned in the case.

The Court, also orders that the records of this case together with a copy of this judgement be sent to the Attorney General in terms of Art. 401(3) of Chapter 9.

< SENTENZA FINALI >

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