



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

**MAGISTRATE DR.
ANTONIO MIZZI**

Sitting of the 2 nd August, 2007

Number 647/2007

The Police
(Inspector Kevin Borg)

VS

Aihaji Tunkara, son of Abu, born in Liberia on the 5th
January, 1972

The Court,

Having seen the charges proffered against the accused,
namely –

1. with having on the 1st August, 2007 and the preceding months, on these Islands, by means of several acts, even if at different times, that constituted violations of the same provision of the law, and committed in pursuance of the same design, carried out a commercial activity without a license from the regulatory authority;
2. with having acted as a door-to-door seller without a license from the Director or otherwise for having

conducted trade through a door-to-door seller who was not in possession of a license issued by the Director;

3. for having failed to apply for registration at the time and in the manner required by section 10 or 12 of Chapter 406 of the laws of Malta;

4. for having failed to keep or to store records, documents and accounts for the time and in the manner required by this Act or any regulations made under this Act;

5. for having failed to furnish a tax return or any additional return, statement or information or to produce any books, records, documents and accounts, or having failed to pay any tax or administrative penalty due when required to do so in virtue of this Act or of any regulations made under this Act;

6. for having supplied goods and having failed to provide security requested by the Commissioner;;

7. for having put into circulation knowingly, sold or kept 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;

8. 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.

Having seen the records of the case of the 2nd August, 2007 whereby the accused admitted to the charges as proffered.

Having heard the prosecution and the lawyer for the accused with regard to the punishment to be inflicted.

Consequently, this Court finds the accused guilty of all the charges as proffered. Having seen sections 18, 298(1)(f) and 298B of the Criminal Code, section 5 of Chapter 317 of the Laws of Malta, section 76 of Chapter 406 of the Laws of Malta and section 14(1) of Chapter 441 of the Laws of Malta. Having seen the record of the financial status of the accused, his record sheet and the fact that

Informal Copy of Judgement

he is a refugee in Malta. It does not condemn him to a term of imprisonment but sets him free under the provisions of section 22 of Chapter 446 of the Laws of Malta on condition that he commit no further offence for a period of two years from today. Moreover, it orders the destruction of the counterfeit goods exhibited in the records of this case.

< Final Judgement >

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