



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

**MAGISTRAT DR.
LAURENCE QUINTANO**

Seduta tal-25 ta' Ottubru, 2007

Numru 1326/2007

The Principal Immigration Officer
(Inspector SandroZarb)

Vs

Hicham Ahmed

The Court;

Having seen the charges against Micham Ahmed, 33 years Palestinian National, son of late Habib and late Salha nee' Hmeida, born in Tripoli, Libya in the 21st January, 1974, residing at Atlas House McQuian Lane Tralee, County Kerry Ireland of no passport ;

1. that in the last months in these islands forged, altered or tempered with a passport or use or had in his possession a passport which he knew to be forged, altered or tempered with, being a passport of Republic of

Kopja Informali ta' Sentenza

France issued in the name of Adam Dedier bearing number 04SP88407(Chap. 9 Sec. 189 of the Laws of Malta).

2. and also with having during the same period and circumstances in Malta, knowingly made use of a forged document being the above mentioned document. (Chap. 9 Sec. 189 of the Laws of Malta)

Having heard the Prosecution swear charges on oath;

Having heard the guilty plea by the defendant which plea was confirmed by the defendant after being given sufficient time to reflect on it.

Once the defendant filed the guilty plea, the charges have been proved in accordance with the law.

The Court notes that the same charge is a reproduction of the first charge found in the special law which indicates both the forgery , or alternatively the use. In accordance with the general interpretation of “ideal concursus” the forgery or the use would have been considered as separate charges. However, the Passport Ordinance is a special law and hence its provisions should apply and prevail. Moreover, while making submissions about the penalty it became clear that the defendant only used a forged passport and there is no evidence that he has in any way tampered with the document. For this reason, the Court, after reading section 5 of Chapter 61 and section 28A of Chapter 9 is condemning the defendant to nine (9) months imprisonment which should be suspended for a period of 2 years. The Court explained Section 28A of Chapter 9 to the defendant.

< Sentenza Finali >

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Pagna 2 minn 2

Qrati tal-Gustizzja