

Kopja Informali ta' Sentenza



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

**MAGISTRAT
DOREEN CLARKE**

Seduta tat-23 ta' Gunju, 2010

Numru. 594/2010

**The Police
(Inspector Yvonne Farrugia)**

vs

**Gemma Cassar
Johannes Dahlback**

Case Number: 594/2010

The Court,

Having seen the charges brought against

Gemma Bernice Cassar, 41 years of age, daughter of Carmel Caruana and Bernice nee' Algar, born in England on the 26th April, 1969 and resident at "Petrus", Triq il-Bahar l-Iswed, The Village, St Julians and holder of Maltese ID No 73186M

Pagna 1 minn 4

Qrati tal-Gustizzja

Johannes Dahlback, Swedish nationality, 36 years, son of Nils and Eva nee' Edenstadt, born in Bd Overluler, Sweden on the 28th December 1973, holder of Swedish passport bearing number 45580320 issued on the 1st September, 2004.

For having in these islands, during the year 2008 and 2009, with several acts committed, even if at different times and which constitute violations of the same provisions of the law, and are committed in pursuance of the same design;

1. Misapplied, converting to their own benefit or to the benefit of any other person, anything which has been entrusted or delivered to them under a title which implies an obligation to return such thing or to make use thereof for a specific purpose, that is, the sum of money exceeding two thousand and three hundred and twenty – nine Euro and thirty – seven cents (€2,329.37) to the prejudice of Norse Management International (Malta) Limited (C44791), and which funds were entrusted or delivered to them by reason of their profession, trade, business, management, office or service or in consequence of a necessary deposit

2. On the same dates, location and circumstances 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 gain of more than the sum of over two thousand, three hundred and twenty nine Euros and twenty seven Euro cents (€2,329.27) to the prejudice of Norse management International (Malta) limited (C44791).

The Court was also requested that in case of a finding of guilt of both accused, apart from inflicting the punishment

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prescribed at law, to order the forfeiture of all the objects exhibited in these proceedings.

The Court was requested to apply mutatis mutandis the provisions of Article 5 of the Prevention of Money Laundering Act, Chapter 373 of the Laws of Malta, as stipulated in article 23A(2) of Chapter 9 of the Laws of Malta.

The Court was also requested that, in pronouncing judgment or in any subsequent order, sentence the person 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 person 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 seen sections 18, 293, 294, 308, 309, 310(1)(a) of Chapter 9 of the Laws of Malta.

Having seen that the defendants admitted the charges brought against them and confirmed their admission of guilt even after having been given sufficient time to reconsider their plea.

Having heard the evidence and submissions of the parties regarding the penalty to be meted out.

Having seen the acts of the proceedings.

Having considered

That the defendants admitted the charges brought against them; consequently these are sufficiently proved.

Having also considered regards the penalty to be meted out, the nature of the offences of which the defendants are being found guilty and the amount which the defendants misappropriated. The Court considered on the other hand defendants' cooperation with the police, their admission at the initial stages of the procedures, and their

criminal record which is clean. The Court also considered the impact a judgement, whereby defendants are condemned to effective imprisonment, would have on the possibility of the injured party being paid the amounts due to them.

For these reasons the Court after having seen sections 18, 293, 294, 308, 309, 310(1)(a) of Chapter 9 of the Laws of Malta, on their admission finds defendants guilty of the charges brought against them and condemns them each to two years imprisonment which by application of section 28A of Chapter 9 of the Laws of Malta are being suspended for a period of four years. Furthermore the Court, by application of section 28H of the said Chapter 9 of the Laws of Malta, is ordering the defendants in solidum to pay the injured party Norse Management International (Malta) Limited the sum of three hundred and eight thousand Euros (€308,000) within six months.

The Court explained to the defendants in ordinary language of the consequences they would face should they commit an other offence within the period of four years and should they fail to comply with the order of payment.

< Sentenza Finali >

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