



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

**MAGISTRATE DR.
GABRIELLA VELLA**

Sitting of the 10 th December, 2010

Number 1315/2010

**Police
(Inspector Edel Mary Camilleri)**

Vs.

Kelvin Aghavbere

The Court,

Having seen the charge brought against Kelvin Aghavbere, twenty one (21) years of age, son of Aghavbere and Maria born in Nigeria on the 1st January 1989, holder of Police Number 08TTT-075, residing at Hal Far Open Centre, Hal Far, Malta, of having in February 2010 and later dates, landed or embarked from Malta without being in possession of a passport and of having not furnished to the Principal Immigration Officer the prescribed information and such other information as the Principal Immigration Officer may deem proper to require, and this in violation of Article 28 of Chapter 217 of the Laws of Malta;

Having heard the evidence and examined all documents forming part of the proceedings;

Having heard the accused plead guilty to the charge brought against him notwithstanding the fact that the Court in terms of Section 453(1) of Chapter 9 of the Laws of Malta, warned him in the most solemn manner of the legal consequences of his guilty plea after having given him sufficient time within which to reconsider and withdraw his guilty plea;

In the light of the guilty plea submitted by the accused, the Court has no alternative but to find him guilty of the charge brought against him;

With regards to the punishment the Court heard submissions by the Prosecuting Officer and Defense Counsel and took into consideration the fact that the accused fully co-operated with the Police, that he expressed regret for his acts and that he filed an early guilty plea;

Therefore whilst having seen and considered Sections 28 and 32(1)(g) of Chapter 217 of the Laws of Malta, the Court finds the accused guilty of the charge brought against him and condemns him to one (1) year imprisonment however, since the Court is of the opinion that there are sufficient reasons which warrant that the said term of imprisonment be suspended, in terms of Section 28A of Chapter 9 of the Laws of Malta, suspends the said term of one (1) year imprisonment for a period of four (4) years from date of this judgment;

In terms of Section 28A(4) of Chapter 9 of the Laws of Malta the Court has explained to the accused in plain language his liability under Section 28B of Chapter 9 of the Laws of Malta if during the operational period he commits an offence punishable with imprisonment.

Informal Copy of Judgement

< Final Judgement >

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