



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

**MAGISTRATE DR.
GABRIELLA VELLA**

Sitting of the 15 th May, 2013

Number 466/2013

**The Police
(Inspector Edel Mary Camilleri)**

Vs

Halima Abdulkader

The Court,

After having seen the charges brought against Halima Abdulkader, eighteen (18) years of age, daughter of Abdulkader and Abshira, born in Mogadisho, Somalia on the 1st January 1995, that on the 7th May 2013 and during previous dates and later dates in Malta:

1. Made or caused to be made a false return, false statement or false representation and/or furnished the Principal Immigration Officer with false information in violation of Article 32 (1c) of Chapter 217 of the Laws of Malta; and

2. Of having committed any other kind of forgery or knowingly made use of any other forged document in violation of Articles 183, 184 and 189 of Chapter 9 of the Laws of Malta.

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

Considers:

In the light of the guilty plea submitted by the accused to the charges brought against her, the Court finds the accused so guilty of the charges brought against her.

With regards to the punishment the Court heard submissions by the Prosecuting Officer and Defense Counsel and took into consideration: (a) the circumstances which led the accused to act in the way she did; and (b) the fact that the accused filed an early guilty plea.

Therefore after having seen and considered Sections 17, 183, 184 and 189 of Chapter 9 of the Laws of Malta and Section 32(1)(c) of Chapter 217 of the Laws of Malta, whilst reiterating that it is finding the accused guilty of the charges brought against her, the Court condemns the accused to nine (9) months imprisonment however, in the circumstances of this case and also in view of the fact that the accused has submitted an early guilty plea the Court is of the opinion that there are sufficient reasons which warrant the suspension of the said term of imprisonment and therefore in terms of Section 28A of Chapter 9 of the Laws of Malta, suspends the said term of nine (9) months imprisonment for a period of one (1) year from date of this judgment.

Informal Copy of Judgement

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

< Final Judgement >

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