



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

**MAGISTRATE DR.
IAN FARRUGIA**

Sitting of the 18 th September, 2013

Number 947/2013

**The Police
(Inspector Jeanne Farrugia)**

Vs

Ridwan Khalifa Ali

The Court,

Having seen the charges brought against Ridwan Khalifa Ali 18yrs, Somali National, born on the 03/05/1995, son of Khalifa and Mariam, who resides at Hal Far Open Centre. Holder of Police number 12H-068 and Identity card number 79599A.

Accused of having in October 2012 and the preceding months in Malta, made use or attempted to make use of a

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passport issued to another person in violation of Article 4 of Chapter 61 of the laws of Malta;

And charge him also with having on the same date, time and circumstances made a false return, a false statement or a false representation to the Principle Immigration Officer in violation of Article 32 (1) c of Chapter 217 of the Laws of Malta.

Having seen all the documents exhibited in the acts of these proceedings;

Having heard accused plead guilty to the charges brought against him during today's arraignment and his insistence on such guilty plea after being given time according to law to reconsider;

Having heard prosecuting officer on oath;

Having seen the minutes of today's hearing;

Having heard submissions by the prosecution and the defence;

Considers;

That in view of the accused's guilty plea to all charges proffered against him, and since there is no reason emanating from these proceedings why this Court should not accept such plea, it is the duty of this Court to proceed with judgement and declare the accused guilty as charged.

In terms of punishment, this Court is taking into particular consideration the fact that the accused pleaded guilty at the earliest possible opportunity in these proceedings, that he cooperated fully with the police, and the hardships these people face in the particular circumstances of their lives (vide the statement released by the accused).

In view of the above, it is this Court's opinion that, having regard to all the circumstances of the case, the nature of the offences and the character of the accused, it is inexpedient to inflict an effective prison term.

THEREFORE, THE COURT, having seen Article 4 of Chapter 61 and Article 32(1)(c) of Chapter 217 the Laws of Malta, finds and declares offender Ridwan Khalifa Ali guilty as charged and condemns him for a term of imprisonment of six (6) months but orders that, in terms of Article 28A of Chapter 9 of the Laws of Malta, this sentence does not take effect unless, during the period of eighteen (18) months from today, the offender commits another offence punishable with imprisonment.

The Court, in terms of Article 28A(4), explained to the offender in ordinary language his liability under Article 28B if during the operational period of one year he commits an offence punishable with imprisonment.

The Court orders that the acts of these proceedings together with a copy of this judgement be transmitted to the Attorney General in terms of Article 392A (2) of the Criminal Code.

< Final Judgement >

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