



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

**MAGISTRATE DR.
CHARMAINE GALEA**

Sitting of the 3rd November, 2013

Number. 1090/2013

**The Police
(Inspector Darren Buhagiar)**

vs.

Omissis 1 and Omissis 2

The Court;

Having seen that the offenders *Omissis 1* and *Omissis 2* were charged:-

1) of having on 2nd November 2013 and the previous days in these islands forged, altered or tampered with an Italian identity card bearing numbers AH1245276 and AH12452777 or used or had in their possession of same counterfeit Italian documents, which they knew to be forged, altered or tampered with (Chap. 61, Sec. 5 of the Laws of Malta);

2) and also with having on same date, time and circumstances committed any other kind of forgery, or have knowingly made use of any other forged document (Chap. 9, Sec. 189 of the Laws of Malta);

3) and also with having on same date, time and circumstances forged any document or true copy of a document or an entry made in pursuance of this act (Chap. 217, Sec. 32 (1d) of the Laws of Malta);

After having seen all the records of the case, after having heard the offenders plead guilty to the charges at an early stage of the proceedings, which guilty plea was confirmed by both offenders after the Court, in terms of section 453 (1) of Chapter 9 of the Laws of Malta, warned them of the legal consequences of that guilty plea, and allowed them sufficient time to re-consider their reply, and to change it;

After having heard the oral submissions on the punishment;

Considered that:

From the evidence brought forward and from the guilty plea registered by both offenders, the Court concludes that the offenders are guilty of the charges laid against them.

As regards the punishment, the Court took into consideration the fact that the offenders admitted to the charges at a very early stage of the proceedings, that they co-operated fully with the police and that the offender *Omissis 2* is still a minor and that he was accompanying his mother, who is also presently being co-accused with the same charges.

For these reasons, the Court after having seen section 5 of Chapter 61 of the Laws of Malta, sections 37, 31 and 189 of Chapter 9 of the Laws of Malta, section 32 (1) (d)

of Chapter 217 of the Laws of Malta, on their admissions finds the offenders guilty of the charges brought against them and condemns *Omissis 1* to twelve (12) months imprisonment which by application of section 28A (1) of Chapter 9 of the Laws of Malta are being suspended for a period of three (3) years from today; and *Omissis 2* to six (6) months imprisonment which by application of section 28A (1) of Chapter 9 of the Laws of Malta are being suspended for a period of three (3) years from today.

In accordance with section 28A (4) of Chapter 9 of the Laws of Malta, the Court explained in clear and simple language the meaning of this judgement to both offenders and the consequences which would follow if they fail to abide by it, that is if any one of them commits another offence which is punishable by imprisonment within the operative period.

The Court orders that the acts of this case, together with this judgement, be sent to the Office of the Attorney General within the time prescribed by Law.

Finally, the Court is hereby ordering the ban of the publication of the names of **both** accused, in that one of them is a minor and the other accused is his mother, in any means of communication whatsoever.

< Final Judgement >

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