



MALTA

QORTI TAL-MAGISTRATI (MALTA)
BHALA QORTI TA' GUDIKATURA KRIMINALI
MAGISTRAT
AARON BUGEJA

Seduta tad-29 ta' Dicembru, 2014

Numru. 1296/2014

The Police

(Spettur Spiridione Zammit)

vs

Yaro Mohammed

The Court after seeing the charges proffered against Yaro Mohammed 33 years of age, son of Yaro and Axhiya nee' Hassan born at Ghana on 24.12.1982 residing at Rina Flats Number 67 Flat 5 Cervjola Street Marsaskala holder of Italian identity card number number 4661648 with having on the 28th December 2014 and times before in these islands committed forgery of any authentic and public instrument or of any commercial document or private bank document, by counterfeiting or

altering the writing or signature, by feigning any fictitious agreement, disposition, obligation or discharge, or by the insertion of any such agreement, disposition, obligation or discharge in any of the said instruments or documents after the formation thereof, or by any addition to or alteration of any clause, declaration or fact which such instruments or documents were intended to contain or prove.

Also charged, with knowingly, made use of any of the false acts, writings, instruments or documents.

Also with having committed any other kind of forgery, or knowingly made use of any other forged document.

Also charged with having on the 28th December 2014 at about 2.00am and/or times before in Workers' Street Marsa and in these islands drove vehicle make Hyundai Accent registration AAA978 without driving license.

Having heard the Prosecuting Officer confirm the charges on oath;

Having seen that the accused, in reply to the question posed in terms of Article 392(1)(b) of the Criminal Code by the Court declared that he was guilty as charged;

Having seen the provisions of Article 392A(1)(2) of the Criminal Code and having converted itself into a court of criminal judicature;

The Court, in view of this declaration warned the accused in the most solemn manner about the consequences arising out of his guilty plea and granted him a reasonable time in order for him to retract this guilty plea. After that the Court granted this time to the accused, and after consulting with his legal counsel, the accused reiterated that he is guilty as charged.

In view of this declaration, duly reiterated, the Court had no option but to find the accused guilty as charged.

Having seen the records of the proceedings as well as the criminal record sheet of the accused.

Having heard the final oral submissions of the Prosecuting Officer and of the Legal Counsel to the accused, namely that :

The Prosecuting Officer stated that the accused cooperated fully with the Police during the course of the investigations, however the accused did in point of effect commit the crime because he wanted to drive a car in Malta.

The Defence Counsel submitted that the accused :

1. cooperated fully with the Police.

2. registered an early guilty plea that is to be taken into consideration by the Court in meeting out its punishment;
3. furthermore the accused does not have any previous criminal conviction;
4. is not employed and does not have the means to pay the full fine due.

Decide :-

Consequently, this Court, after having seen Articles 17, 183, 184 and 189 of the Criminal Code as well as Article 15(1)(a) of Chapter 65 of the Laws of Malta, finds the accused Yaro Mohammed upon his unconditional plea, guilty as charged and condemns him:

- a. In relation to the first, second and third charges to a term of eighteen (18) months imprisonment; however after having seen Article 28A of the Criminal Code it orders that the said sentence shall not take effect unless during a period of three years (3) from the date of this order, the offender commits another offence punishable with imprisonment and thereafter the Competent Court so orders under article 28B of the Criminal Code that the original sentence shall take effect. Furthermore, the Court in terms of Article 28A(4) of the Criminal Code declares that it has explained in ordinary language to the accused his liability in terms of Article 28B of the Criminal Code if during the operational period he commits an offence punishment with imprisonment.
- b. In relation to the forth charge, the Courts condemns the accused to a fine of one hundred euro (€100).

Kopja Informali ta' Sentenza

Finally the Court, after having seen Article 392A of the Criminal Code orders that this judgment together with the records of the proceedings be transmitted to the Attorney General within six working days in terms of law.

Delivered today the 28th December 2014 at the Courts of Justice in Valletta, Malta.

< Sentenza Finali >

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