



MALTA

QORTI TAL-MAGISTRATI (MALTA)
BHALA QORTI TA' GUDIKATURA KRIMINALI
MAGISTRAT DR.
NEVILLE CAMILLERI

Seduta tat-23 ta' Marzu, 2015

Numru 325/2015

The Police
(Inspector Darren Buhagiar)

vs.

Ita Francis

The Court,

After having seen the charges¹ brought against **Ita Francis** of twenty four (24) years of age, Nigerian nationality, son of Jonah & Hannah, born in Lagos, Nigeria on 23rd. September 1990, residing in Senglea and holder of Nigerian Passport bearing Number AO5167072 charged with having on the 22nd March 2015 or previous days in these Islands or somewhere else:

1. forged, altered or tampered with two (2) documents, being an Italian identity card and Italian passport for aliens bearing numbers AT1859951 and 60422 respectively issued on the name Ajatton Fabian or used or had in his possession same documents, which he knew to be forged, altered or tampered with (Chapter 61, Section 5 of the Laws of Malta);
2. on same date, time and circumstances committed any other kind of forgery, or have knowingly made use of any other forged documents mentioned above (Chapter 9, Section 189 of the Laws of Malta);
3. on same date, time and circumstances forged any document or true copy of a document or an entry made in pursuance of this act (Chapter 217, Section 32(1)(d) of the Laws of Malta).

Having examined all the documents forming part of the proceedings.

Having seen that the Attorney General gave his consent for this case to be tried summarily (Doc. "DB 1").

¹ A fol. 2.

Having heard the accused plead guilty to the charges 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.

Having heard both the Prosecution and the defence recommend to the Court that the accused should not be sentenced to an effective jail term.

Considers

That, as a consequence of the admission of the accused of the charges brought against him, the Court finds the accused guilty of the said charges.

With regards to the punishment to be inflicted, the Court will be taking into consideration various factors, including the nature of the charges brought against the accused, his guilty plea at an early stage of these proceedings, his co-operation with the Police, his clean conviction sheet (Doc. "DB 7") and the fact that both the Prosecution and the defence recommended that the accused should not be sentenced to an effective jail term.

Therefore, the Court, after having seen and considered Section 5 of Chapter 61 of the Laws of Malta, Section 189 of Chapter 9

of the Laws of Malta, and Section 32(1)(d) of Chapter 217 of the Laws of Malta, finds the accused Ita Francis guilty of all the charges 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 two (2) 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.

< Sentenza Finali >

-----TMIEM-----