



**Court of Magistrates (Malta)  
As a Court of Criminal Judicature**

**Magistrate Dr. Doreen Clarke LL.D.**

**Today, the 10<sup>th</sup> March, 2021**

**The Police  
(Inspector Joseph Xerri)**

**vs**

**Aleksander Petrovski**

**Case Number: 158/2019**

The Court,

Having seen the charges against Aleksandar Petrovski of 42 years, son of Hristov and Savka nee' Spirova born in Skopje, Macedonia born on the 26<sup>th</sup> January 1977, residing at Flat 10, Teal Court, Santa Venera Street, Msida, holder of Bulgarian identity card with number 182639178 and personal number 7701263888.

Charged for having on the 14th March, 2019 and the previous months in Msida and around these Islands:

1. Produced, sold or otherwise dealt with the whole or any portion of the plant Cannabis in terms of Section 8(e) of the Chapter 101 of the Laws of Malta;
2. Produced, sold or otherwise dealt in the resin obtained from the plant cannabis, or any preparation of which such resin formed the base, in terms of Section 8(b) of Chapter 101 of the Laws of Malta;
3. Supplied or distributed, or offered to supply or distribute the drug (Cocaine), specified in the First Schedule of the Dangerous Drug Ordinance, Chapter 101, of the Laws of Malta, to person/s, or for the use of other person/s, without being licensed by the President of Malta, without being fully authorised by the Internal Control of Dangerous Drugs Regulations (G.N.292/1939), or by other authority given by the President of Malta, to supply this drug, and without being in possession of an import and export authorisation issued by the Chief Government Medical Officer in pursuance of the provisions of paragraph 6, of the Ordinance and when he was not duly licensed or otherwise authorised to manufacture or supply the mentioned drug, when he was not duly licensed to distribute the mentioned drug, in pursuance of the provisions of Regulation 4 of the Internal Control of Dangerous Drugs Regulations (G.N.292/1939) as subsequently amended by the Dangerous Drugs Ordinance, Chapter 101 of the Laws of Malta;
4. Supplied or distributed, or offered to supply or distribute dangerous drugs (MDMA), being a drug restricted and controlled under the provisions of the Kindred and Medical Profession Ordinance to person/s, who are not authorised person/s or for the use of other person/s, without being fully authorised in breach of the Medical and Kindred Profession Ordinance Chapter 31 of the Laws of Malta and the Drugs (Control) Regulations, Legal Notice 22 of 1985 as amended;
5. Together with another one or more persons in Malta or outside Malta, conspired, promoted, constituted, organised or financed the conspiracy with other person/s to import, sell or deal in drugs (Cannabis Grass), in these Islands, against the provisions of The Dangerous Drugs Ordinance, Chapter 101 of the Laws of Malta, or promoted, constituted, organised or financed the conspiracy;

6. Together with another one or more persons in Malta or outside Malta, conspired, promoted, constituted, organised or financed the conspiracy with other person/s to import, sell or deal in drugs (Cocaine), in these Islands, against the provisions of The Dangerous Drugs Ordinance, Chapter 101 of the Laws of Malta, or promoted, constituted, organised or financed the conspiracy;
7. Had in his possession (otherwise than in the course of transit through Malta of the territorial waters thereof) the whole or any portion of the plant Cannabis in terms of Section 8(d) of the Chapter 101 of the Laws of Malta, which drug was found under circumstances denoting that it was not intended for his personal use;
8. Had in his possession (otherwise than in the course of transit through Malta of the territorial waters thereof) the resin obtained from the plant Cannabis, or any other preparation of which such resin formed the base, in terms of Section 8(a) of Chapter 101 of the Laws of Malta, which drug was found under circumstances denoting that it was not intended for his personal use;
9. Had in his possession the drugs (Cocaine) specified in the First Schedule of the Dangerous Drug Ordinance, Chapter 101 of the Laws of Malta, when he was not in possession of an import or an export authorisation issued by the Chief Government Medical Officer in pursuance of the provisions of paragraphs 4 and 6 of the Ordinance, and when he was not licensed or otherwise authorised to manufacture or supply the mentioned drugs, and was not otherwise licensed by the President of Malta or authorised by the Internal Control of Dangerous Drugs Regulations (G.N.292/1939) to be in possession of the mentioned drugs, and failed to prove that the mentioned drugs was supplied to him for his personal use, according to a medical prescription as provided in the said regulations, and this in breach of the 1939 Regulations, of the Internal Control of Dangerous Drugs (G.N.292/1939) as subsequently amended by the Dangerous Drugs Ordinance Chapter 101, of the Laws of Malta which drug was found under circumstances denoting that it was not intended for his personal use;
10. Had in his possession the psychotropic and restricted drug (MDMA) without a special authorisation in writing by the superintendent of Public Health, in breach of the provisions of the Medical and Kindred

Professions Ordinance Chapter 31 of the Laws of Malta and the Drugs (Control) Regulations, Legal Notice 22 of 1985 as amended;

11. Committed these offences in, or within 100 metres of the perimeter of, a school, youth club or centre, or such other place where young people habitually meet in breach of Article 22 (2) of the Dangerous Drugs Ordinance, Chapter 101 of the Laws of Malta.

The Court was requested to attach in the hands of third parties in general all moneys and other movable property due or pertaining or belonging to the accused, and further to prohibit the accused from transferring, pledging, hypothecating or otherwise disposing of any movable or immovable property in terms of Article 120E of Chapter 31 of the Laws of Malta, Article 22A of the Dangerous Drugs Ordinance Chap 101 of the Laws of Malta and of Article 23A of the Criminal Code Chapter 9 of the Laws of Malta.

The Court was also requested to apply Section 533(1) of Chapter 9 of the Laws of Malta, as regards to the expenses incurred by the Court appointed Experts.

Having seen the order of the Attorney General whereby, in terms of section 120A(2) of Chapter 31 of the Laws of Malta and of section 22(2) of Chapter 101 of the Laws of Malta, it was ordered that the defendant be tried before the Criminal Court with regards to the charges brought against him.

Having seen the subsequent order of the Attorney General whereby, in terms of section 120A(2) of Chapter 31 of the Laws of Malta and of section 22(2) of Chapter 101 of the Laws of Malta, it was ordered that the defendant be tried summarily before this Court sitting as a Court of Criminal Judicature.

Having seen that the defendant admitted the charges brought against him and confirmed this admission of guilt even after having been given time to reconsider his plea.

Having heard the evidence and the submissions of the parties.

Having seen the acts of the proceedings.

Having considered

The defendant admitted the charges brought against him; these are consequently sufficiently proven.

With regards the penalty to be meted out the Court took into consideration on the one hand the nature of the charges of which the defendant is being found guilty as well as the quantity and the type of drugs found in his possession; on the other hand the Court is taking into consideration his clean conviction sheet.

Wherefore the Court, after having seen sections 40A, 120A(1)(a), 120A(2)(b)(i)(ii) and the second proviso of section 120A(2) of Chapter 31 of the Laws of Malta and Regulations 3 and 5 of Legal Notice 22 of the year 1985, and sections 8(a)(b)(d)(e), 22(1)(a)(f), 22(2)(b)(i) and the second proviso of section 22(2) of Chapter 101 of the Laws of Malta and Regulations 3, 4, 6, and 9 of Legal Notice 292 of the year 1939, on his admission finds the defendant guilty of all the charges brought against him, and condemns him to **three (3) years imprisonment** and a **fine of two thousand Euros (€2,000)**. Furthermore and by application of section 533 of Chapter 9 of the Laws of Malta the Court is ordering the defendant **to pay the Registrar of this Court the sum of three thousand one hundred and ninety five Euros and five cents (€3,195.05)** representing expenses incurred in the employment of experts.

In conclusion the Court is also ordering **the destruction of the drugs and related objects exhibited in the course of these proceedings** once this judgement becomes final and executive, under the supervision of the Registrar, who shall draw up a *proces verbal* documenting the destruction procedure. The said *proces verbal* shall be inserted in the records of these proceedings not later than fifteen days from the said destruction.

**DR. DOREEN CLARKE LL.D**  
**MAGISTRATRE**