



**COURT OF MAGISTRATES (MALTA)
AS A COURT OF CRIMINAL JUDICATURE
MAGISTRATE DR. GABRIELLA VELLA B.A., LL.D.**

Case No. 793/2024

The Republic of Malta

Vs

**Marjus Cela
Supesh Gurung
Amal Benny**

Today, 2nd December 2024

The Court,

Considered the charge brought against **Marjus Cela**, twenty eight (28) years of age, son of Albert and Mimoza, born in Albania on the 2nd June 1996, residing at 185, My Anne, Flat 1, Triq San Albert, Gzira, and holder of Maltese Identity Card bearing number 239849A, **Supesh Gurung**, twenty six (26) years of age, son of Dhan Raj and Pi Maya, born in Nepal on the 2nd December 1997, residing at 55, Miggiani, Flat 2, Triq Sant' Antnin, Msida, and holder of Maltese Identity Card bearing number 204204A, and **Amal Benny**, thirty (30) years of age, son of Benny and Saji n e Benny, born in India on the 7th February 1994, residing at 52, Mystique, Flat 4, Triq l-Industrija, Qormi, and holder of Maltese Identity Card bearing number 200154A, of having during the years two thousand twenty two (2022) and two thousand twenty three (2023), in these Islands and/or outside of these Islands where the several acts committed by the offenders, even if at different times, constituted violations of the same provision of the law, and were committed in pursuance of the same design:

1. Promised, gave or offered, directly or indirectly, any undue advantage to any other person who asserted or confirmed that he or she is able to exert an improper influence over the decision making of any person referred to in the preceding articles of this Sub-Title and of any other person, in order to induce such other person to exercise such influence, whether such undue advantage is for such other person or anyone else which offence was considered complete whether or not the alleged ability to exert an improper influence existed, whether or not the influence is exerted and whether or not the supposed influence led to the intended results;

Considered the request by the Prosecution for the Court, in the case of guilt, in addition to the punishment in accordance to Law, to order the accused to pay the costs incurred in connection to the employment of experts as provided for in Section 533(1) of Chapter 9 of the Laws of Malta;

Considered the Consent by the Attorney General in terms of Section 370(4) of Chapter 9 of the Laws of Malta with regard to each one of the accused at folios 10 to 12 of the records of the proceedings;

Heard each of the accused declare that he has no objection to this case being dealt with summarily and also he (that is each one of them) is guilty of the charge brought against him¹, which guilty plea was once again reiterated by each one of the accused during the sitting held on the 2nd December 2024² after the Court explained to them in simple terms, which each one could understand, the legal implications of their guilty plea and gave them sufficient time within which to reconsider their position and retract said guilty plea;

Heard submissions by the Prosecution and Defence Counsels regarding punishment;

Considered the records of the proceedings;

Considers:

The three accused are together being charged with having during the years two thousand twenty two (2022) and two thousand twenty three (2023), in these Islands and/or outside of these Islands where the several acts committed by the offenders, even if a different times, constituted violations of the same provision of the law, and were committed in pursuance of the same design: (1) Promised, gave or offered, directly or indirectly, any undue advantage to any other person who asserted or confirmed that he or she is able to exert an improper influence over the decision making of any person referred to in the preceding articles of this Sub-Title and of any other person, in order to induce such other person to exercise such influence, whether such undue advantage is for such other person or anyone else which offence was considered complete whether or not the alleged ability to exert an improper influence existed, whether or not the influence is exerted and whether or not the supposed influence led to the intended results.

Each one of the accused declared that he is guilty of the charge so brought against him. In view of the said admission of guilt, the Court must find each one of the accused guilty of the charges so brought against them.

For the purposes of punishment the Court took into account the fact that each of the accused registered a guilty plea at an early stage of the proceedings and that they co-operated with the Executive Police in their investigations regarding the crime forming the merits of these proceedings, which cooperation was material for the eventual arraignment of other persons involved in the said crime.

¹ Folios 13 to 15 of the records of the proceedings.

² Vide minutes of the sitting held on the 2nd December 2024.

Therefore after considering Sections 18 and 121A(1)(3) of Chapter 9 of the Laws of Malta, the Court is finding **each of the accused** guilty of the charge brought against them however, having regard to the circumstances of the case, including the nature of the charge brought against the accused, the character of the accused and their material cooperation with the Executive Police in their investigations regarding the merits of the crime with which they have been charged, and deeming that it is not expedient to inflict punishment, and a Probation Order, a Community Service Order or a Combination Order are not appropriate in this case, in terms of Section 22 of Chapter 446 of the Laws of Malta, the Court is discharging each of the accused subject to the condition that each one of them does not commit another offence during the period of two (2) years from date of this judgement.

In terms of Section 22(3) of Chapter 446 of the Laws of Malta, the Court explained to each of the accused in ordinary language that if they commit another offence during the period of two (2) years conditional discharge set above, they will be liable to be sentenced for the original offence.

Since no experts were appointed in these proceedings, the Court abstains from considering the request put forth by the Prosecution in terms of Section 533(1) of Chapter 9 of the Laws of Malta.

In terms of Sections 370(6) and 392A(2) of Chapter 9 of the Laws of Malta, the Court orders that the Attorney General be granted access by electronic means to a scanned copy of the records of these proceedings, together with a scanned copy of this judgement within six (6) working days.

MAGISTRATE

DEPUTY REGISTRAR