



**IN THE JUVENILE COURT  
AS A COURT OF CRIMINAL JUDICATURE**

**MAGISTRATE DR. ABIGAIL CRITIEN**  
**B.A., Trib. Eccl. Melit., LL.M. (Family Law) (Lond.), LL.D.**

**The Police**

**v.**

**OMISSIS**

**Reference: 4150/2024 AC**

Today, the 30<sup>th</sup> of January 2025

**The Court,**

Having seen the charges brought against **OMISSIS**, holder of Maltese Residence Permit number **OMISSIS**, born in Italy on the 14<sup>th</sup> of September 2009, and currently residing at **OMISSIS**, who was accused that on the 27<sup>th</sup> of December 2023 at PAMA Shopping Mall, Valletta Road, Mosta:

1. Accused also that application for a license under this part to keep in any premises firearms or ammunition shall specify the premises where the said firearms and

ammunition are to be kept and the license shall only be granted on condition that the approved firearms and ammunition are kept locked safely and separately within such premises and that such firearms be kept unloaded;

2. Accused also that no person shall carry outside any premises or appurtenance thereof, a knife or cutting or pointed instrument of any description without a license or permit from the Commissioner.

Having seen the documents exhibited in the acts of these proceedings, namely the following:

1. Affidavit by PS 217 I. Mizzi dated the 17<sup>th</sup> of January 2024<sup>1</sup>;
2. Conviction Sheet of the accused<sup>2</sup>;
3. Seizure Form for the accused dated the 27<sup>th</sup> of December 2023 regarding a butterfly knife seized from the same<sup>3</sup>;
4. Brown envelope containing a sharp and pointed weapon<sup>4</sup>;

Having seen that the accused registered a guilty plea to the charges brought against him during the sitting dated the 24<sup>th</sup> of October 2024;

Having seen that the Court warned the accused about the legal consequences of such guilty plea registered by him and after allowing him a period of time to withdraw his guilty plea, and after having explained the effects of such guilty plea and after having given him time to speak again to his legal counsel, the accused once again confirmed his guilty plea;

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<sup>1</sup> Vide a fol 2 *et seq* of the acts

<sup>2</sup> Vide a fol 6 *et seq* of the acts

<sup>3</sup> Vide Dok CC1 a fol 13 of the acts

<sup>4</sup> Vide Dok CC2 a fol 14 of the acts

Having seen that the Court observed and complied with the provisions as set out in Article 392A(1) and Article 392A(2) of Chapter 9 of the Laws of Malta, and in the light of the accused's voluntary and unconditional guilty plea and his confirmation and reiteration of his guilty plea for the second time and after consulting with his lawyer that the Court took cognisance of his guilty plea;

In terms of Article 392A(3) of Chapter 9 of the Laws of Malta This Court declares that it does not consider that there are valid grounds to doubt the accused's guilt despite his guilty plea and consequently deems that the charges brought against him have been satisfactorily proven;

Having read the testimony given by means of an affidavit by **PS 217 I. Mizzi** dated the 17<sup>th</sup> of January 2024<sup>5</sup>;

Having heard oral submissions by the parties during the sitting dated the 24<sup>th</sup> of October 2024;

Having seen the acts of the case;

Having seen that the case was adjourned for today for final judgement;

**Legal Considerations:**

In relation to the charges brought against **OMISSIS**, accused for having, on the 27<sup>th</sup> of December 2023 at PAMA Shopping Mall, Valletta Road, Mosta:

1. Accused also that application for a license under this part to keep in any premises firearms or ammunition shall specify the premises where the said firearms and ammunition are to be kept and the license shall only be granted on condition that

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<sup>5</sup> Vide a fol 2 *et seq* of the acts

the approved firearms and ammunition are kept locked safely and separately within such premises and that such firearms be kept unloaded;

2. Accused also that no person shall carry outside any premises or appurtenance thereof, a knife or cutting or pointed instrument of any description without a license or permit from the Commissioner.

The accused registered a guilty plea to the charges brought against him during the sitting dated the 24<sup>th</sup> of October 2024;

In view of the accused's guilty plea to the charges brought against him, the Court deems that the same said charges have been proven satisfactorily;

Regarding punishment, the Court is taking into consideration the following:

1. The guilty plea at a relatively early stage of the proceedings, in thus the Court did not have to waste time in gathering further evidence on the merits of the case. Reference is made to local and foreign jurisprudence including but not limited to **Ir-Repubblika ta' Malta vs. Nicholas Azzopardi**<sup>6</sup> u **Il-Pulizija vs. Emmanuel Testa**<sup>7</sup> where the Courts argued in favour of leniency in punishment when the accused registers a guilty plea at an early stage of the proceedings and consequently saves time and expenses to the administration of justice.
2. The guilty plea was entered into without any form of reservations or conditions;
3. The accused's clean Conviction Sheet;

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<sup>6</sup> Criminal Court, decided on the 24<sup>th</sup> of February 1997

<sup>7</sup> Court of Criminal Appeal, decided on the 7<sup>th</sup> of July 2002

4. The fact that the accused was still a 14-year-old minor at the time of the offence, and therefore qualifies for a reduction in punishment as stipulated in Article 37(2) of Chapter 9 of the Laws of Malta;
5. The nature of the charges levied against the accused relating to breaches under Article 5(3)(a) and Article 6 of Chapter 480 of the Laws of Malta relating to the licence to possess a weapon, when the accused was spotted on the 27<sup>th</sup> of December 2023 with his friends carrying a butterfly knife outside PAMA Shopping Mall with a 10-centimetre-long blade without a licence issued by the Commissioner of Police<sup>8</sup>, which knife falls within the definition of “arms proper” as provided in Article 64(1) of Chapter 9 of the Laws of Malta<sup>9</sup>;
6. That during oral submissions on the punishment to be delivered, the Defence explained the circumstances and background of the charges and argued that this was an incident where the accused found the knife, liked it and decided to keep it;
7. That during oral submissions the Prosecution argued that while the fines relating to these offences are mandatory, the punishment should be towards the minimum.

**Decide:**

The Court, after having seen Article 13(1), Article 17(b), Article 31(1)(b), Article 31(1)(c) and Article 37(2) of Chapter 9 of the Laws of Malta, as well as Article 5(3)(a), Article 6, Article 51(7) and Article 51(9) of Chapter 480 of the Laws of Malta, after registering a guilty plea without any form of condition or reservation, in consideration of the circumstances of the case, **finds the accused OMISSIS guilty of all charges, and condemns him to the payment of a fine (*ammenda*) of fifty-eight Euros and twenty-three cents (€58.23)**

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<sup>8</sup> Arms Act

<sup>9</sup> “64. (1) Arms proper are all fire-arms and all other weapons, instruments and utensils which are mainly intended for defensive or offensive purposes.”

**for each charge and consequently for a total sum of one hundred sixteen Euros and forty-six cents (€116.46).**

Furthermore, after having seen Article 64(1) of Chapter 9 of the Laws of Malta and Article 56 of Chapter 480 of the Laws of Malta, since the butterfly knife found in the possession of the guilty party **OMISSIS** falls within the definition of “arms proper” as defined in the former Article and reflected in Article 2 of Chapter 480 of the Laws of Malta<sup>10</sup>, is ordering the forfeiture of the same butterfly knife;

In terms of Article 392A(2) of Chapter 9 of the Laws of Malta, the Court orders that a scanned copy of the acts of these proceedings together with this judgement be sent to the Office of the Attorney General in the period prescribed by Law.

**MAGISTRATE DR. ABIGAIL CRITIEN**

**B.A., Trib. Eccl. Melit., LL.M. (Family Law) (Lond.), LL.D.**

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<sup>10</sup> "arms proper" shall have the same meaning assigned to it by article 64 of the Criminal Code and shall include a firearm as defined in this article