



**Court of Magistrates (Gozo)
As a Court of Criminal Judicature
Magistrate Dr. Simone Grech LL.D.**

**The Republic of Malta
vs
Muhammed Sueheyl Guendogdu**

Today 14th April 2025

Case number 18/2025

The Court,

Having seen the charges against Muhammed Sueheyl Guendogdu, twenty-seven years of age (27), son of Osman and Selma, born in Cologne, Germany, on the fifth (5th) of March of the year one thousand nine hundred ninety-eight (1998), declared to reside at “56, Grima, FL 3, Triq Xjuf ir-Rih, In-Nadur, Ghawdex” and bearer of Maltese Identity Card number 0379824A charged with having on the thirty-first (31st) of March of the year two-thousand and twenty-five (2025), and/or in the preceding weeks and and/or months, within these Maltese and Gozitan Islands:

1. *He cultivated the plant **Cannabis** in terms of Article 8 (c) of The Dangerous Drugs Ordinance, Chapter 101 of the Laws of Malta, **which cultivation was made under such circumstances denoting that it was not intended for his personal use;***
2. *That at the same date, time, place and circumstances, he produced, sold or otherwise dealt with the whole or any portion of the plant **Cannabis** in terms of Article 8 (e) of The Dangerous Drugs Ordinance, Chapter 101 of the Laws of Malta;*

3. *That at the same date, time, place and circumstances, he had in his possession the whole or any portion of the plant **Cannabis** in breach of Article 8(d) of 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;***

The Court is being humbly requested to:

1. *Pendente Lite order a ‘Seizing and Freezing Order’ and seizes and/or holds in the hands of third parties in general all moneys and other movable or immovable property which are due or belonging to the accused, as well as the Court prohibiting the accused from transferring, promising, creating hypothecates, or change or otherwise dispose of any movable or immovable property which pertains to the accused or is possessed by them, in terms of Article 23A of the Criminal Code, Chapter 9 of the Laws of Malta and Article 22A of the Dangerous Drugs Ordinance, Chapter 101 of the Laws of Malta.*
2. *That in the event that the accused is found guilty of any of the abovementioned offences, apart from meting out the punishment according to law, order the forfeiture of all the objects which have been exhibited, in terms of Article 23 of Chapter 9 of the Laws of Malta.*
3. *That in the event that the accused is found guilty of any of the abovementioned offences, apart from meting out the punishment according to law, order the forfeiture in favour of the Government of Malta of the proceeds of the offence or of such property the value of which corresponds to the value of such proceeds, as well as order the forfeiture of any property in the possession or under the control or belonging to the person found guilty, in terms of Article 22 (3A) of the Dangerous Drugs Ordinance, Chapter 101 of the Laws of Malta; Article 23B and 23C of the Criminal Code, Chapter 9 of the Laws of Malta; Article 3(5) of Chapter 373 of the Laws of Malta, as well as Chapter 621 of the Laws of Malta.*

4. That in the event that the accused is found guilty of any of the abovementioned offences, apart from meting out punishment according to law, applies against the person found guilty the provisions of Articles 532A, 532B and 533 of Chapter 9 of the Laws of Malta.

Having seen the records of the case, including the Order of the Attorney General in terms of sub-article (2) of Article 22 of the Dangerous Drugs Ordinance (Chapter 101 of the Laws of Malta) for the accused to be charged before the Court of Magistrates (Gozo) as a Court of Criminal Judicature to answer to the charges against him for violation of the provisions of the said Ordinance;

Having seen that during the sitting held on 1st April 2025, the accused pleaded guilty to the charges brought against him, which plea he confirmed after the Court explained to him the consequences thereof and gave him sufficient time to reconsider his plea and to retract it;

Having heard the submissions of the Prosecution and the defence in respect of the punishment to be meted out.

Having seen all the acts of this case.

Considers that:

In view of the guilty plea filed by the accused, as duly assisted by his lawyer, the Court cannot but find him guilty of the charges brought against him.

For the purpose of the punishment to be inflicted, the Court took into account that the accused registered his guilty plea during the first sitting held. The Court took note of the serious nature of the offences of which he is being found guilty and the circumstances of the case.

Since the Prosecution requested that the Court does not take cognisance of the third request in the charge sheet concerning the forfeiture of the proceeds of the offences to which the accused pleaded guilty, the Court is abstaining from taking further cognizance of the third request concerning the forfeiture of the proceeds of the offences to which the accused pleaded guilty.

Conclusion

For these reasons, the Court after having seen Sections III, IV and VI, Articles 8(c), 8(d), 8 (e), 22(1)(a) and 22(2)(b)(i) of Chapter 101 of the Laws of Malta, Regulations 4 and 9 of Subsidiary Legislation 101.02 and

Articles 17(b) and (f) of Chapter 9 of the Laws of Malta, upon his guilty plea, finds the accused Muhammed Sueheyl Guendogdu guilty of all the charges brought against him and condemns him to a term of imprisonment of three (3) years – from which term there must be deducted the period of time during which the accused has been held in preventive custody in connection with this case - and a fine (multa) of three thousand euro (€3,000), which fine, in default of payment, shall be converted into a further term of imprisonment according to law.

In terms of Article 533 of the Criminal Code, the Court condemns the accused to the payment of the expenses incurred in the appointment of experts in this case, namely the sum of seventy two Euro and eighty five cents (EUR 72.85c) in relation to the appointment of expert Jonathan Mizzi, the sum of one hundred and seven Euro and twenty two cents (EUR 107.22c) in relation to the appointment of PC 1136 N.Cini.

Finally, the Court orders the destruction of all the objects exhibited, consisting of dangerous drugs or objects relating to drug use, once this judgement becomes final and definitive, which destruction shall be carried out by the Registrar, Criminal Courts and Tribunals, 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.

(sgd) Dr Simone Grech
Magistrate

(sgd) John Vella
D/Registrar

True Copy

For the Registrar