



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

Magistrate Dr. Donatella M. Frendo Dimech LL.D., Mag. Jur. (Int. Law)

Today, the 29th of April, 2025

Criminal Proceedings No. 136/2025

**The Police
(Inspector Karl Roberts)**

-vs-

**Joshi Memadathil Mani, of Indian nationality, holder of Maltese Residence
Permit Number 196327A,**

The Court,

Having seen the charges brought against the person charged **Joshi Memadathil Mani** who is being charged with having:

By means of several acts committed, even if at different times, which constitute violations of the same provision of the law, and which were committed in pursuance of the same design, between 01/01/2022 and 31/12/2023:

1. And also on the same dates and circumstances, with the intent to make any gain whatsoever aided, assisted, counselled or procured any other person to enter or to attempt to enter or to leave or attempt to leave or to transit across or to attempt to transit across, Malta in contravention of the laws thereof, in Malta or outside Malta, conspired to that effect with any other person;¹

¹ Art. 337A Chap.9, Laws of Malta

2. And on the same dates and circumstances, aided or assisted any person to land or attempt to land in Malta, or to reside in Malta, contrary to the provisions of the Immigration Act, or any person to land or attempt to land, or to reside in, or to leave any other State contrary to the law on entry, residence and exit of that State, or concealed or harboured any person whom he knew, or has reasonable ground for believing, to be in Malta contrary to the provisions of this Act.²

This Court was requested to:

- i. *Provide security to the victims* Arun Kumar (338055A), Lineesh Cholayil Scaria (337889A) and Pugalenthiravichandran (0331783A) and other persons, applies Article 412C of Chapter 9 of the Laws of Malta and issues a Protection Order against the accused and in favour of the victim and in the case of guilt, provides security to the victims as per Articles 382A, 383, 384 and 385 of Chapter 9 of the Laws of Malta;
- ii. Apply articles 248E(3), (4) and (4A) together with article 121D of Chapter 9 of the Laws of Malta; and
- iii. In the case of guilt, apply the dispositions of articles 15A, 23, 23A, 23B, 23C, 532A, 532B and 533 of Chapter 9 of the Laws of Malta.

Having Considered,

Whereas having, on the 9th April, 2025, heard the person charged plead guilty to the charges brought against him notwithstanding the fact that the Court warned him in the most solemn manner of the legal consequences of his guilty plea, and after having given him sufficient time within which to reconsider and withdraw his guilty plea;

Having heard witnesses;

Having seen all the acts and documents exhibited;

Having heard the prosecution and defence counsel make their submissions;

Considers,

Having heard the defendant guilty pleas to the charges brought against him, the Court has no alternative but to declare him guilty of the said charges.

² Art.32(1)(a), Chap.217, Laws of Malta

Punishment

With regards to punishment the Court took into consideration the defendant's admission of guilt, his clean criminal record, the nature of the offences of which he stands charged and the circumstances of the case, particularly and fortunately, that the victims numbered only three. Consideration was given to the fact that the defendant had reimbursed his victims for the expenses incurred in travelling to Malta, even before the initiation of these proceedings. The Court took cognisance of the joint note presented by the parties. However the law itself precludes it from applying the provisions of Article 21 of the Criminal Code. Article 337A(1) provides:

337A. (1) Any person who with the intent to make any gain whatsoever aids, assists, counsels or procures any other person to enter or to attempt to enter or to leave or attempt to leave or to transit across or to attempt to transit across, Malta in contravention of the laws thereof the provisions of articles 21 and 28A and those of the Probation Act shall not apply:

Finally, it was noted that between the two offences the principle of formal concurrence of offences applies with the graver punishment being that contemplated for the first offence, namely that of trafficking in persons to leave or enter Malta illegally.

Decide

In view of the above, the Court, after having seen Articles 17(b), 31, 337A of the Criminal Code, Chapter 9 of the Laws of Malta, and Article 32(1)(a) of the Immigration Act, Chapter 217 of the Laws of Malta, finds the defendant guilty of the charges brought against him, and condemns him to a fine *multa* of **twenty-three thousand and two hundred and ninety-three euro and seventy-three cents (€23,293.73)** payable in monthly installments within three (3) years.

In terms of Article 382A of the criminal Code, the court is issuing a restraining order against the defendant in favour of Arun Kumar, Lineesh Choleyil Scaria and Pugalenthi Ravichandran for a period of two years commencing today.

Finally in terms of Article 392A(2) of the Criminal Code, the Court orders that within six (6) working days, the Attorney General shall be given access to a scanned copy of the records, together with access to a scanned copy of the judgment.

Dr. Donatella M. Frendo Dimech LL.D., Mag. Jur. (Int. Law)
Magistrate