



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

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

Today, the 11th of June, 2025

Criminal Proceedings No. 482/2025

**The Police
(Inspector Karl Roberts)**

-vs-

**Sudhir Nagappan Nair, holder of Maltese Residence Permit Number
0282780A**

The Court,

Having seen the charges brought against the person charged **Sudhir Nagappan Nair** 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 01/01/2023 and 30/05/2025

1. And also that 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.
2. And also that on the same dates and circumstances, or to gain any advantage or benefit for himself or others, in any document intended for any public

authority, knowingly made a false declaration or statement, or gave false information.

3. And also that in the same dates and circumstances , by means of any unlawful practice, or by the use of any fictitious name, or the assumption of any false designation, or by means of any other deceit, device or pretence, calculated to lead to the belief in the existence of any fictitious enterprise or of any imaginary power, influence or credit, or to create the expectation or apprehension of any chimerical event, made any gain to the prejudice of another person.
4. And also that in 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.

The Court was requested to:

- i. Apply articles 248E(3), (4) and (4A) together with article 121D of Chapter 9 of the Laws of Malta; and
- ii. In the case of guilt, applies 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, during today's sitting, 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.

Punishment

With regards to punishment the Court took into consideration the defendant's early admission of guilt, his clean criminal record and the nature of the offences of which he stands charge.

Finally, it was noted that between the first and fourth offence, 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.

Moreover, the second and third offences served as means for the commission of the first offence.

Decide

In view of the above, the Court, after having seen Articles 17(b), 31, 188, 308, 310 and 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 two years imprisonment which by means of Article 28A of the Criminal Code are being suspended for four (4) years and 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.

Should the defendant be in default of this order, the full amount becomes immediately due.

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.

The Court orders that a copy of this judgement be notified to the Principal Immigration Officer for any action he may deem appropriate given the dictates of Article 5(2) of the Immigration Act, Chapter 217 of the Laws of Malta.

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