



**COURT OF MAGISTRATES (MALTA)
AS A COURT OF CRIMINAL JUDICATURE**

**MAGISTRATE DR.
LAURENCE QUINTANO**

Sitting of the 6 th March, 2009

Number. 129/2009

**The Police
Insp Dennis Theuma
vs
Michael Ouwafemi Tevogbola**

The Court,

Having seen the charges laid against Michael Ouwafemi Tevogbola, 29 years old, son of Samuel and Florence nee' Oloto born in Lagos Nigeria on the 24th July 1979 and residing 'L'Acadie' Triq il-Halel San Pawl il-Bahar, ID 23312A.

Accused for having on these Islands on the 21st February 2009 and the twelve months before this date had in his possession the resin obtained from the plant cannabis or any preparation of which such resin formed the base and this in breach of Article 8(a) of Chapter 101 of the Laws of Malta.

Accused also for having in his possession the drug heroin, a drug which is specified in the First Schedule of the Dangerous Drugs Ordinance Chapter 101 of the Laws of Malta, when he was not in possession of an import or an export authorisation issued by the Chief Government Medical Officer in pursuance of the provisions of paragraphs 4 and Section 6 of the Ordinance and when he was not in any licensed or authorised to manufacture or supply the mentioned drugs and when he was not otherwise licensed by the President of Malta or authorised by the Internal Control of Dangerous Drugs Regulation (GN 292/1939) to be in possession of the mentioned drugs, and failed to prove that the mentioned drugs were supplied to him for his personal use, according to a medical prescription as provided in the said regulations, and this in breach of the 1939 Regulations, of the Internal Control of Dangerous Drugs (GN 292/1939) as subsequently amended by the Dangerous Drugs Ordinance, Chapter 101 of the Laws of Malta.

Charged also for having been in possession of restricted and psychotropic medicine (ecstasy) without the necessary authorisation in breach of Regulation (3) of Legal Notice 22 of 1985 and 40 (A) and 120 (A) and the Third Schedule of the Medical and Kindred Profession Ordinance, Chapter 31 Laws of Malta and Article 16 of Act V of 1985 as amended.

Having noted the early guilty plea filed by the accused, and hence the charges have been proved in accordance with the law.

The Court after having seen regulation 3(1) of LN 22/1985, Article 23 of Chapter 446, Articles 40A, 120A(1)(a), 120A(2)(b)(ii) of Chapter 31 of the Laws of Malta, Sections 4 and 6, Articles 8(a), 22(1)(a), 22(2)(b)(ii) of Chapter 101 and Regulation 9 of GN 292/1939 and Section 17F of Chapter 9, finds the defendant guilty as charged and is condemning him to pay a fine of 670 Euro, which fine may be paid in

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instalment of 70 Euro each with the first instalment to be paid within 4 weeks from today. Failure to pay any instalment, would immediately mean that all the balance becomes due at once. Should any part of the fine multa not be paid, then this is to be converted in one day imprisonment for every 11.65 Euro not paid.

< Final Judgement >

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