



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

**MAGISTRATE DR.
JACQUELINE PADOVANI**

Sitting of the 11 th February, 2010

Number 1291/2010

**POLICE
INSPECTOR MARIO HABER
VS
ZACHARY RAZAK
KINGSLEY FAI SHILA**

The Court,

Having seen the charges brought against the accused Zachary Razak, Ghanaian National born in Accra, Ghana on the 1st January 1978, son of Zackary and Auina, holder of Police Number 07P-028. Kingsley Fai Shila, Cameroonian National born in Camilleri on the 1st April 1985, son of Zebulon and Winifred Wildzem, holder of Police Number 08EE-067;

And charged him with having in a date not known before the 30th November 2010, as persons landing or embarking in or from Malta, failed to be in possession of a passport and failed to provide the Principal Immigration Officer the

prescribed information and such other information that the Principal Immigration Officer may deem proper to require (Chap.217, Sec.28 of the Laws of Malta);

Therefore the Court is humbly requested to investigate the case according to Law;

Having heard the evidence tendered on oath;

Having seen the record of the proceedings;

Having heard the plea of guilt registered by the accused

Having heard the confirmation of the plea of guilt, after that the Court accorded a reasonable time for reconsideration.

Having heard the oral submissions

Deliberates:

On the strength of the registration of a guilty plea by the accused, the Court finds the accused **Zachary Razak and Kingsley Fai Shila** guilty as charged and after having seen articles 28 A of Chapter 9 of the laws of Malta and Article 28 of Chapter 217 of the Laws of Malta condemns the accused' **Zachary Razak and Kingsley Fai Shila** to seven (7) months imprisonment suspended for two years.

The Court explained the consequences of a suspended Sentence to the accused in a manner to ensure that they fully understood the repercussions thereof.

This punishment was awarded after the Court took in to consideration the fact that the accused were a first offender, that they registered a guilty plea in the early stages of the proceeding and in view of all the circumstances of the case. In these circumstances the Maltese Courts do not ordinarily inflict imprisonment as the punishment due, but rather award an alternative punishment. Punishment of incarceration in this case, in the light of all the circumstances, may be interpreted as

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discriminatory on the basis of status, race and colour of the accused, discrimination which may in no way be inflicted by a Court of Law.

< Final Judgement >

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