



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

**MAGISTRATE DR.
AUDREY DEMICOLI**

Sitting of the 8 th April, 2013

Number. 340/2013

**Police
Inspector Arthur Mercieca**

vs

Mohammadan Samb

The Court ;

Having seen that the accused Mohamadan Samb, of 41 years son of Mohammed u Shetlija born in Louga on the 28th January 1972, residing at Charles Guest House, Marina Street, Pieta' and holder of passport number A00009125 was arraigned before it and charged with having:

On the 7th April 2013 at around 1:30pm at Marsaxlokk, with a view to gain for himself or another, or with intent to cause loss to another, and without the consent of the

proprietor sells or lets for hire, offers or exposes for sale or hire or distributes goods which bear, or the packaging of which bears, such a sign,

On the same date, time and circumstances or with a view to gain for himself or another, or with intent to cause loss to another, and without the consent of the proprietor had in his possession, custody or control in the course of a business any such goods with a view to the doing of anything by himself or another, which would be an offence under paragraph (b),

On the same date, time and circumstances carried out a commercial activity from a commercial premises or open-air market in any locality without a licence issued from the regulatory authority and an authorisation to carry out that activity from the Local Council. LS 441.04.(5)

Having heard the accused plead guilty to the charges brought against him, and after having warned him of the consequences of his guilty plea after having afforded him sufficient time within which to withdraw their guilty plea, the Court has no alternative but to find the accused guilty of the said charges brought against him.

With regards to punishment the Court took into consideration the fact that the accused co-operated with the Prosecution in the course of the investigations as well as the fact that he has a clean criminal conduct.

After having seen sections 72(1)(b) and (c) of Chapter 416 of the Laws of Malta as well as Subsidiary Legislation 441.04(5), the Court finds the accused guilty of all the charges brought against him and condemns him to one(1) year imprisonment which in terms of Section 28A of the Criminal Code is being suspended for a period of two(2) years from today.

The Court orders the seizure and destruction of the counterfeit objects marked as Dok AM4.

Informal Copy of Judgement

After having seen Article 392 A (2) and 401 (3) of Chapter. 9 of the Laws of Malta, the Court orders that a copy of this judgement together with the acts of these proceedings are sent to the Attorney General within the time limit stipulated by Law.

< Final Judgement >

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