



MALTA

COURT OF MAGISTRATES (MALTA)
AS A COURT OF CRIMINAL JUDICATURE
MAGISTRATE DR.
GABRIELLA VELLA

Sitting of the 11 th July, 2014

Number. 309/2014

Police

(Inspector Pierre Grech)

Vs

Ibrahim Ismail Faroul

The Court,

After having seen the charges brought against Ibrahim Ismail Faroul, twenty five (25) years of age, a son of Ismail and Ramatu Zakari, born in Zimbabwe on the 1st January 1989 and residing at 45, Triq San Tumas, Marsa, holder of Identity Card Number 55745(A), of having on the 10th July 2014 and in the preceding weeks, on the Maltese Islands :

Informal Copy of Judgement

1. Had in his possession the whole or any portion of the plant Cannabis in terms of Section 8(d) of the Chapter 101 of the Laws of Malta, in conditions denoting that it was not for his personal use;

2. Disobeyed the lawful orders of any authority or of any person entrusted with a public service or hindered or obstructed such person in the exercise of his duties or otherwise unduly interfered with the exercise of such duties, either by preventing other persons from doing what they are lawfully enjoined or allowed to do or frustrating or undoing what has been lawfully done by other persons, or in any other manner whatsoever, unless such disobedience or interference falls under any other provision of this Code or of any other law, in breach of Section 338(ee) of Chapter 9 laws of Malta;

After having considered the request by the Prosecution for the Court to condemn the accused to pay for costs incurred in the employment of experts in terms of Section 533 of Chapter 9 of the Laws of Malta;

After having examined all documents forming part of the records of these proceedings, including the Order by the Attorney General in terms of Section 22(2) of Chapter 101 of the Laws of Malta;

After having heard the accused plead guilty to the charges brought against him, notwithstanding the fact that the Court, in terms of Section 453(1) of Chapter 9 of the Laws of Malta, warned him in the most solemn manner of the legal consequences of his guilty plea after having given him sufficient time within which to reconsider and withdraw his guilty plea;

Considers:

The accused is being charged with having on the 10th July 2014 and in the preceding weeks, on the Maltese Islands, (i) had in his possession the whole or any portion of the plant Cannabis in terms of Section 8(d) of the Chapter 101 of the Laws of Malta, in conditions denoting that it was not for his personal use; and of having (ii) disobeyed the lawful orders of any authority or of any person entrusted with a public service or hindered or obstructed such person in the exercise of his duties or otherwise unduly interfered with the exercise of such duties, either by preventing other persons from doing what they are lawfully enjoined or allowed to do or frustrating or undoing what has been lawfully done by other persons, or in any other manner whatsoever, unless such disobedience or interference falls under any other provision of this Code or of any other law, in breach of Section 338(ee) of Chapter 9 laws of Malta.

Informal Copy of Judgement

The accused declared that he is guilty of the charges brought against him. In the light of such an admission the Court finds the accused guilty of the charges brought against him.

In so far as concerns punishment, the Court took into account the fact that the accused registered a guilty plea at an early stage of the proceedings and that he has a clean Conviction Sheet.

Therefore after having read and considered Section 8(d) and 22(2)(b) of Chapter 101 of the Laws of Malta and Section 338 (ee) of Chapter 9 of the Laws of Malta, whilst reiterating that it finds the accused guilty of the charges brought against him the Court condemns the accused to imprisonment for a period of eighteen (18) months from today **and** to the payment of a fine (multa) amounting to four hundred and sixty six Euro (€466), which fine (multa) is to be paid by the accused within one (1) month from date of this judgment.

The Court is also ordering that the substance exhibited as Doc. "G" and the money found in possession of the accused amounting to €100 exhibited in the records of these proceedings as Doc. "H" be forfeited in favour of the Government **and** further that the substance exhibited as Doc. "G" be destroyed under the supervision of the Registrar of Courts.

In so far as concerns the request by the Prosecution for the Court to condemn the accused to pay for costs incurred in the employment of experts in terms of Section 533 of Chapter 9 of the Laws of Malta, the Court abstains from considering said request due to lack of evidence with regard to the same.

In terms of Section 392A of Chapter 9 of the Laws of Malta the Court orders that the records of these proceedings together with a copy of this judgment be transmitted to the Attorney General within six working days.

< Final Judgement >

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