



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

**MAGISTRATE
DR. NEVILLE CAMILLERI B.A., M.A. (Fin. Serv.), LL.D.**

Sitting of the 5th. June 2016

**The Police
(Inspector Darren Buhagiar)**

vs.

Montela Mohammed Ibrahim Mammay

Case Number 02 /2016

The Court,

After having seen the charge brought against the accused **Montela Mohammed Ibrahim Mammay** of thirty four (34) years of age, Sudanese national, son of Abubakar and Rabbi, born in Darfur, Sudan on 21st. of August 1981, residing in Bugibba and holder of Police Number 05GG-001

charged with having in June 2016 and in the days before or after, as a person landing or embarking in Malta, failed to furnish the Principal Immigration Officer the prescribed information and such

other information that the Principal Immigration Officer may deem proper to require (Chapter 217, Section 28 of the Laws of Malta).

Having examined all the documents forming part of the proceedings.

Having heard the accused plead guilty to the charge 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.

Having heard both the Prosecution and the defence recommend to the Court that the accused should not be sentenced to an effective jail term.

Considers

That, as a consequence of the admission of the accused of the charge brought against him, the Court finds the accused guilty of the said charge.

With regards to the punishment to be inflicted, the Court will be taking into consideration various factors, including the nature of the charge brought against the accused, his guilty plea at an early stage of these proceedings, his co-operation with the Police, his clean conviction sheet (Doc. "DB 3") and the fact that both the Prosecution and the defence recommended that the accused should not be sentenced to an effective jail term.

Therefore, the Court, after having seen and considered Article 28 of Chapter 217 of the Laws of Malta, finds the accused Montela Mohammed Ibrahim Mammay guilty of the charge brought against him and condemns him to a period of six (6) months imprisonment however, since the Court is of the opinion that there are sufficient reasons which warrant that the said term of imprisonment be suspended, in terms of Section 28A of Chapter 9 of the Laws of

Malta, suspends the said term of six (6) months imprisonment for a period of one (1) year from date of this judgment.

In terms of Section 28A(4) of Chapter 9 of the Laws of Malta the Court has explained to the accused in plain language his liability under Section 28B of Chapter 9 of the Laws of Malta if during the operational period he commits an offence punishable with imprisonment.

Dr. Neville Camilleri
Magistrate

Ms. Alexia Attard
Deputy Registratur