



## Court of Magistrates (Malta) as a Court of Criminal Judicature

### THE POLICE (INSPECTOR RODERICK ATTARD) VS MUDLAMIN BUJANG

(SIMPLE ESCAPE – CHAPTER 9 ARTICLE 151)

MAGISTRATE: DR. VICTOR G. AXIAK

**24 August 2020**

THE COURT,

having considered the charges brought against Mudlamin Bujang of 25 years of age, son of Omar and Sukai, born in Gambia on 31 March 1994, with Police No. 20A-215, residing at Lyster Barracks Detention Centre Hal Far (“the Defendant”),

having heard the oral observations made on behalf of

- the Prosecution, by Inspector Roderick Attard,
- the Defendant, by Advocate Dr. Yanika Bugeja,

gives the following

#### **Judgement**

1. The Police arraigned the Defendant under arrest on 22 June 2020 and charged him with having on 20 June 2020 between 2am and 5am within the Maltese Islands committed simple escape from the custody of the person or persons charged with his custody (Article 151 of Chapter 9 of the Laws of Malta).
2. The case was assigned to this Court and a sitting was held on 24 August 2020 (“the sitting”).
3. During the sitting the Defendant admitted the charges brought against him and reiterated such admission after the Court gave him an opportunity to retract it.

## **Applicable articles of the law**

### ***The Criminal Code (Chapter 9 of the Laws of Malta)***

4. Article 151 of the Criminal Code reads as follows:

‘Any person under sentence and any other prisoner who shall be guilty of simple escape or who escapes from the custody of the person or persons charged with his custody, shall, on conviction, be liable to imprisonment for a term of not less than six months but not more than one year.

In this article "prisoner" means any person who is confined in prison and includes a prisoner while he is being moved to or from a prison or from one prison to another or while he is under treatment or observation in any hospital.’

### **Considerations of the Court regarding the applicable penalty**

5. With regard to the penalty to be meted out the Court took into consideration the nature of the offence of which the Defendant is being found guilty and the fact that the Defendant handed himself in to the Police a few hours after his escape, that he cooperated with the Police and that he registered an early admission. In these circumstances the Court feels that it would be appropriate to impose the minimum term of imprisonment in terms of law.

### **Decision**

**6. On these grounds, the Court finds the Defendant guilty of the charge brought against him under Article 151 of Chapter 9 of the Laws of Malta and condemns him to six (6) months imprisonment from which there should be deducted the period spent under preventive arrest.**

V.G. Axiak  
Magistrate

M. Azzopardi  
Dep. Registrar