



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

**MAGISTRATE DR MARSE-ANN FARRUGIA LL.D.**

**Sitting held today Monday, 9th January 2023**

**The Police  
(Inspector Thomas Zammit)**

**vs**

**Mohammed Sani**

The Court,

1. Having seen the charges brought against:

Mohammed Sani, a Ghanaian national, 39 years old, son of unknown parents, born in Kumasi, Ghana, on 15<sup>th</sup> July 1983, and resides n. 21 Via Maglio Di Sopra, Cornelo Vincentino, Italy holder of Ghanaian Passport number H2766351, expires on 13<sup>th</sup> February 2023 and Italian Identity Card Number CA20033GX;

Charged with having on the 08<sup>th</sup> January 2023, at about 1030hrs, at the Malta International Airport or/and in other places in these islands, failed to declare to the Commissioner for Revenue, that he was carrying a sum equivalent to €10,000 or more in

cash, whilst leaving Malta to Treviso Airport, Italy, in breach of Regulation 3 of Subsidiary Legislation 233.07 (Cash Controls Regulations) of the External Transactions Act (Chapter 233 of the Laws of Malta).

The Court was requested that in case of a finding of guilt of the accused, apart from inflicting the punishment prescribed at law, also orders the forfeiture of all the objects exhibited in these proceedings.

2. Having seen the consent of the Attorney General in terms of Regulation 3(6) of Legal Notice 285 of 2020 entitled the Cash Control Regulations (S.L. 233.07).
3. Having heard the evidence and saw all the records of the case and the documents exhibited.
4. Having seen that in today's sitting the defendant registered a guilty plea to the charge brought against him.
5. The Court warned the defendant of the serious consequences of his registering a guilty plea and in particular that the maximum punishment for the offence preferred against him is of a fine (multa) equivalent to fifty five per cent (55%) of the sum carried in excess of ten thousand euro (€10,000) together with another fine (multa) of fifty euro (€50), and the Commissioner for Revenue shall detain the sum not declared in excess of ten thousand euro (€10,000) according to law. The Court suspended the sitting so that the defendant could consult with his defence lawyer to see whether he wanted to retract his guilty plea.
6. When the case was called again, the Court asked the defendant whether he had enough time to consult his defense lawyer and he answered in the affirmative, and when asked by the Court whether he was going to confirm his guilty plea, the defendant replied in the affirmative.
7. The Court heard the submissions of the parties regarding the punishment.

### **Considerations of this Court**

8. From the guilty plea filed by the defendant himself, the Court concludes that the defendant is guilty of the charges brought against him.
9. The Court considered that the defendant co-operated with the Police and he also registered a guilty plea at a very early stage of the proceedings, namely during the sitting of his arraignment in Court, and hence did not waste the resources of the Court and of the Police. Nevertheless, even from a cursory reading of Regulation 3(5)(b) of Legal Notice 285/2020 it is clear that these Regulations do not grant any discretion to this Court on the punishment to be meted out in case of a finding of guilt by the defendant.
10. The Prosecuting Officer declared that the total amount of undeclared money was sixty-three thousand, eight hundred and seventy-five Euro (€63,875). This money, or any part of it, was not exhibited in the records of these proceedings.

### **Conclusion**

11. For these reasons, the Court decides as follows:
  1. After seeing Regulation 3(1), (3) and (5)(b) of Legal Notice 285 of 2020 (Subsidiary Legislation Number 233.07) issued under Chapter 233 of the Laws of Malta, finds the defendant guilty of the charge preferred against him and condemns him to a fine of twenty-nine thousand, six hundred and thirty-one Euro and twenty-five cents (€29,631.25) - equivalent to fifty five per cent (55%) of the sum carried in excess of ten thousand euro (€10,000) - together with another fine of fifty Euro (€50), which together amount to a fine of twenty-nine thousand, six hundred and eight-one Euro and twenty-five cents (€29,681.25). This sum is immediately due and payable, and in default of payment thereof, the outstanding amount still due shall be converted into imprisonment at the rate established by law.

2. The Commissioner for Revenue shall detain the sum of fifty-three thousand, eight hundred and seventy-five Euro (€53,875) – representing the sum not declared in excess of ten thousand Euro (€10,000) - according to law.

**Magistrate**

**Doreen Pickard**

**Deputy Registrar**