



MALTA

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

**MAGISTRATE DR.
CONSUELO-PILAR SCERRI HERRERA**

Sitting of the 24 th August, 2004

Number 412/2004

**The Police
Inspector Nadia Lanzon
v**

MAHMOUD MOHAMED HOSNY MOSTAFA

The Court,

Having seen that the accused **MAHMOUD MOHAMED HOSNY MOSTAFA** aged 29 of Egyptian nationality, son of Mohamed Hosny and Rawhia nee Mostafa, born on the 18th February, 1975 in Egypt and in possession of passport number 182594 was brought forward before her and charged with having on these islands on the 22nd August 2004 and in the days prior to this date of having in his possession of or any part of the plant Cannabis.

Having seen all the documents exhibited in the acts of these proceedings by the Prosecution in particular the FIAT of the Attorney General in terms of sub section 2 of Section 22 of the Dangerous Drugs Act Chapter 101 dated 24th August 2004.

Having heard the accused plead guilty when the examination in chief was made to the accused in terms of section 370(4), 390 (1) and 392 of Chapter 9 of the Laws of Malta.

Having cautioned the accused in the most solemn manner with regards to the legal consequences ensuing from his guilty declaration and having given the same accused time to reconsider his guilty plea, the accused insisted on registering a guilty plea as in fact was registered in the acts of these proceedings on the 24th August 2004, as can be evidenced from the examination in chief carried out in terms of section 370(4), 390(1) and 392 of Chapter 9 of the Laws of Malta.

The Court before proceeding to pronounce judgment, as was its duty to do, heard the Prosecution make its submissions regarding the punishment to be given to the accused.

The Court, having been assured that accused understood the nature of the accusations brought forward against him had no alternative but to find the accused guilty of such charges.

The Court took note of the following before proceeding to pronounce judgment in particular the early admission of guilt and the fact that the Court was dispensed from hearing all the evidence; the full co-operation of the accused with the Prosecution as stated by the Prosecution in the sitting of the 24th August 2004 and the small insignificant amount of drugs found in his possession.

The Court having seen section 8 (d) of Chapter 101 of the the Laws of Malta and GN 292/1939 declares that it

finds the accused MAHMOUD MOHAMED HOSNY MOSTAFA guilty of the charges brought forward against him and decides to discharge the offender subject to the condition that he commits no other crime for a period of two years from today in terms of section 22(1) of Chapter 446 of the Laws of Malta.

The Court explained the importance of this judgment to the accused and its consequences should he fail to adhere to it.

The Court nominates Godwin Sammut and orders him to withdraw and destroy the drug exhibited in the acts of these proceedings.

The Court orders that a copy of the judgement is sent to Godwin Sammut.

< Final Judgement >

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