

COURT OF CRIMINAL APPEAL

JUSTICE

ONOR. CARMEL A. AGIUS, B.A., LL.D.

Sitting of Tuesday, 9 ta' Ottubru, 2001

**Case No. 19
Appeal No. 295/93**

**The Police, (Inspector Neville
Xuereb)**

vs

**Spasojevic Dejan and Ali
Mohammed Mustapha**

The Court,

Appellant Spasojevic Dejan was found guilty together with Ali Mohammed Mustapha by the Court of Magistrates (Malta) on the 13th August, 1993, of having "during the past eight months and twelve days respectively without having been granted a residence permit, landed or were in Malta without leave from the Principal Immigration Officer.

Actually both defendants had pleaded guilty to the charges brought against them before they were so found by the first court.

The first court in its judgment discharged them conditionally for one year in terms of Section 9 of Chapter 152 while at the same time declaring them as prohibited immigrants and ordered their removal from the Maltese Islands in terms of the law.

Appellant Spasojevic Dejan filed an application of appeal against the judgment delivered against him by the First Court on the 19th August,

1993, whereby he asked this Court to modify the judgment of the First Court by revoking the removal order imposed by the First Court.

This case has taken years to be finally determined. The main reason being that in the meantime appellant applied for refugee status, pending which the proceedings were suspended. In addition, later on, he married a certain Christine Chetcuti who in terms of the document released by the Ministry of Foreign Affairs on the 29th September, 2000, and filed at page 100 of the records of this case, is confirmed to be a citizen of Malta.

It is obvious that this changes the legal situation in that it is no longer possible now for Dejan Spasojevic to be removed from these Islands in accordance with the law. Accordingly this Court is revoking the removal order imposed by the First Court while confirming the rest of the judgment of that Court.

Aldo Testone
Deputat Registratur