



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

**MAGISTRATE
ANTONIO GIOVANNI VELLA**

Sitting of the 8 th November, 2012

Number 439/2012

**POLICE
INSPECTOR DENNIS THEUMA
VS
OMMISSIS
OMMISSIS
OMMISSIS**

The Court;

After seeing the charges brought against:

Ommissis
And
Ommissis
And
Ommissis

With having on the 3rd November 2012 and in the preceding weeks in the Maltese islands been in possession the resin obtained from the plant Cannabis, or

any other reparation of which such resin formed the base, in terms of Section 8(a) of Chapter 101 of the Laws of Malta;

Considers:

The accused happen to be three young men of foreign nationality, and have been brought to Court charged with simple possession of cannabis resin. The three accused were apprehended by the Police during spot checks carried out randomly, and from the statements released by them it appears clearly that they admitted to the possession of this illegal substance immediately. They fully cooperated with the Police in their investigations, and gave them all the information that was pertinent to the case. The Court could also see that the accused were deeply repentant of their foolish crime, and that they had learnt their lesson quite severely. Their arraignment under arrest was already an experience they would not easily forget.

On the other hand, the mere possession of cannabis resin is strictly prohibited at law and, depending on the quantity of such substance found on the person of the accused, punishment would be meted out accordingly. In this case, the amount of cannabis was minimal. It was obvious that this was a moment of folly of youth, experimenting with forbidden pleasures, little aware of the grave consequences such behaviour could bring with it.

The Court was also informed that the three accused were still pursuing their studies here in Malta, and wished to finish their studies here successfully. In fact, their conduct record was clean, and they had never committed any criminal offence before this time. They pleaded to the Court that they should not be sent to serve a term in prison, and asked to be given another opportunity to prove themselves as responsible persons in society. The Court could see that their motivation was genuine, and that they truly wanted to put this experience behind them

and start afresh. With regard to punishment, therefore, the Court shall keep in line with the reasoning of other judgements given in this field of law, and apply a community sanction on the accused. The Court hopes that this case has marked the accused, and that they will never fall for the temptation to mess with such substances and ruin all that they have worked for, particularly their future.

Now, therefore, for these reasons, the Court;

After having seen the Articles 8(a) of Chapter 101 of the Laws of Malta;

After having heard the evidence and the documents exhibited;

After having heard the accused's plea and after having given the time prescribed by Law for the accused to consider their plea;

This Court finds the said accused guilty as charged but discharges them from any punishment on condition that they do not commit another offence within the period of six (6) months from today, in accordance with the provisions of Article 22 Chapter 446 of the Law of Malta.

The Court explained in clear words the terms of the judgement to the accused.

< Final Judgement >

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