



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

**MAGISTRATE DR.
NATASHA GALEA SCIBERRAS**

Sitting of the 4th March, 2013

Number. 52/2012

**The Police
(Insp Pierre Grech)**

vs

Mohamed BM Dabub

The Court,

Having seen the charges brought against Mohamed B.M. Dabub, son of Baghdadi and Maha Al Sahli, born in Tripoli Libya on the 19th May 1990 and residing at 91 Flat 3, Triq Lapsi, San Giljan, holder of identity card number 41931 (A).

For having in these islands on the 1st November 2009 and the preceding days

a) had in his possession the resin obtained from the plant cannabis or any preparation of which such resin formed the base, in breach of Article 8(a) of Chapter 101 of the Laws of Malta;

b) had in his possession the whole or any portion of the plant cannabis, in breach of Article 8(d) of Chapter 101 of the Laws of Malta;

After having seen all the records of the case, including the order of the Attorney General in virtue of sub-section two (2) of Section 22 of the Dangerous Drugs Ordinance (Chapter 101), for this case to heard by this Court as a Court of Criminal Judicature;

Having heard the accused plead guilty to the charge at an early stage of the proceedings, which admission was confirmed by the same accused even after the Court, in terms of Section 453(1) of Chapter 9 of the Laws of Malta, warned him of the legal consequences of that admission, and allowed him sufficient time to re-consider his reply; After having heard the oral submissions on the punishment.

Considers that:

On the basis of the evidence brought forward and the guilty plea filed by the accused himself, the Court cannot but find the accused guilty of the charges brought against him.

As regards the punishment to be inflicted, the Court is taking into consideration the fact that the accused admitted to the charges at a very early stage of the proceedings and the fact that he has a clean criminal record.

Consequently, the Court, after having seen Sections 8(a), 8(d), 22(1)(a) and 22(2)(b)(ii) of Chapter 101 of the Laws of Malta and Regulation 9 of the Subsidiary Legislation 101.02, finds the accused guilty as charged, but in the light of the considerations above-mentioned, and with the application of Section 22 of Chapter 446 of the Laws of Malta, it discharges the accused on condition that he does

Informal Copy of Judgement

not commit another offence within a period of one year from today.

In accordance with Section 22(3) of Chapter 446 of the Laws of Malta, the Court explained in clear and simple language the meaning of this judgement to the accused and the consequences according to law, should he commit an offence during the period of conditional discharge.

The Court orders the destruction of the drugs, Document PG1, as soon as this judgement becomes final. Such destruction shall take place under the supervision of the Court Registrar who shall draw up a *process-verbal* documenting the destruction procedure, which document shall be inserted in the acts of this case not later than fifteen days from the date of such destruction.

< Final Judgement >

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