



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

**MAGISTRATE DR.
IAN FARRUGIA**

Sitting of the 18 th September, 2013

Number 488/2013

**The Police
(Inspector Godwin Scerri)**

Vs

Bejan Gogolishvili

The Court,

Having seen the charge brought against Bejan Gogolishvili of 46 years s/o Eona & Nora nee Dzimistarishvili, Born in Batumi, Georgia on the 01/02/1967 & residing temporarily on Ship Padre Pio, holder of Gorgjan passport no. 07AF74824

Accused of having in these islands on the 13th of September 2013,

had in his possession the drug heroin as specified in the first schedule of the Dangerous 'Drugs Ordinance Chapter 101 of the laws of Malta, when he was not in the possession of an authorization to import or export issued by Government-Chief in accordance with the provisions of Section 4 and 6 of the Ordinance and when he was not with license or otherwise authorized to manufacture, or supply the drug in question and when he did not by any license otherwise permitted by the President of Malta to have drugs mentioned in his possession and failed to prove that the said drug was supplied to you for your use in accordance with the prescription as provided in said regulations in breach of the rules of the 1939 internal control dangerous drugs (GN 292/1939) and subsequently emmendati and in violation of the dangerous Drugs Ordinance, Cap 101 of the Laws of Malta.

Having seen the Order issued by the Attorney General, dated 18th September 2013 in terms of Article 22(2) of Chapter 101 of the Laws of Malta, wherein the Attorney General ordered that the accused be brought before this Court as a Court of Criminal Judicature;

Having seen all the documents exhibited in the acts of these proceedings;

Having heard accused plead guilty to the charge brought against him during today's arraignment and his insistence on such guilty plea after being given time according to law to reconsider;

Having heard prosecuting officer on oath;

Having seen the minutes of today's hearing;

Having heard submissions by the prosecution;

Considers;

That in view of the accused's guilty plea to the charge proffered against him, and since there is no reason

emanating from these proceedings why this Court should not accept such plea, it is the duty of this Court to proceed with judgement and declare the accused guilty as charged.

In the context of punishment or sanction to be meted out to the accused, the Court is taking into consideration the following resulting factors, mainly (1) that the accused cooperated fully with the police in their duty to investigate, (2) that the accused declared immediately (vide his statement released to the police during interrogation) that he regrets the trouble caused to his family, police and employers, (3) that the accused pleaded guilty to the charge at the earliest opportunity in these proceedings and (4) that this case was initiated after the same accused was admitted to hospital due to an overdose, which could in itself have had far worse consequences.

In view of the above, it is this Court's opinion that, having regard to all the circumstances of the case, the nature of the offence and the character of the accused, it is inexpedient to inflict punishment and consequently deems it fit to discharge the accused in terms of Article 22 of Chapter 446 of the Laws of Malta.

Therefore, The Court, having seen Sections 4 and 6 and Articles 22(1)(a) and 22(2)(b)(ii) of Chapter 101 of the Laws of Malta, finds and declares offender Bejan Gogolishvili guilty of the charge brought against him and discharges the offender subject to the condition that he commits no offence for a period of eighteen (18) months from today, and this in terms of Article 22 of Chapter 446 of the Laws of Malta. In terms of said Article 22 of Chapter 446, the Court explained to the offender in ordinary language that if he commits another offence during the period of conditional discharge, the offender will be liable to be sentenced for the original offence/s.

< Final Judgement >

Informal Copy of Judgement

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