



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

**MAGISTRATE DR.
CHARMAINE GALEA**

Sitting of the 3rd November, 2013

Number 569/2013

**The Police
Inspector Nikolai Sant**

vs.

Bogdan Milenkovic

The Court;

Having seen the charge against Bogdan Milenkovic, of twenty nine (29) years, son of Svetislav and Dragana nee' Milovanovic, born in Serbia on the 01st November 1984, residing at No 38, 'John Flats', Flat 1, Church Street, Msida and holder of Serbian Passport No:-011183971 who was charged with having on the 2nd November 2013 and in the previous two months before this date, on these islands had in his possession (otherwise than in the course of transit through Malta of the territorial waters thereof) the whole or any portion of the plant Cannabis in

Informal Copy of Judgement

terms of Section 8 (d) of the Chapter 101 of the Laws of Malta;

Having seen the Order issued by the Attorney General dated 2nd November 2013 in terms of Article 22 (2) of Chapter 101 of the Laws of Malta, wherein the Attorney General ordered that the offender 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 the offender 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 and the defence;

Considers;

That in view of the offender'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 offender guilty as charged.

In the context of punishment or sanction to be meted out to the offender, the Court is taking into consideration the following resulting factors, mainly (1) that the offender cooperated fully with the police in their duty to investigate, and (2) that the offender pleaded guilty to the charge at the earliest opportunity in these proceedings and (3) that he has a clean conviction sheet.

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 offender, it is inexpedient to inflict punishment and consequently deems it fit to discharge the offender in terms of Article 22 of Chapter 446 of the Laws of Malta.

Therefore, the Court, having seen Sections 8 (d) and Articles 22(1)(a) and 22(2)(b)(ii) of Chapter 101 of the Laws of Malta, finds and declares offender Bogdan Milenkovic guilty of the charge brought against him and discharges the offender subject to the condition that he commits no offence for a period of twelve (12) months from today, and this in terms of Article 22 of Chapter 446 of the Laws of Malta.

In terms of said Article 22 (3) 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.

Finally the Court orders that the drugs exhibited as Doc. NS1 are destroyed, once this judgement becomes final, under the supervision of the Registrar, who shall draw up a *proces-verbal* documenting the destruction procedure. The said process-verbal is to be inserted in the records of these proceedings not later than fifteen days from the said destruction.

< Final Judgement >

-----END-----