



IN THE COURT OF MAGISTRATES (MALTA)
As a Court of Criminal Judicature

MAGISTRATE
DR. CAROLINE FARRUGIA FRENDO
B.A. (Legal and Humanistic Studies), LL.D.,
M.Juris (International Law), Dip. Trib. Eccl. Melit.

The Police
(Inspector Robert Vella)
vs
omissis
Georgiona Elena Chinue

Today 27th January, 2021

The Court,

After having seen the charges brought against:

omissis; and

Georgiona Elena Chiue, holder of Maltese identity card number 117924A

Charged with hiving on the 6th January, 2017 at around 10:00am in Marvin Property, Monsinjur G. Depiro Street, Rabat, Malta:

1. Wilfully you had committed any spoil, damage or injury to any other person by wilful damage in movable furniture in the property named Marvin, Monsinjur G. Depiro Street, Rabat, in which the damage does not exceeds two thousand and five hundred euro (2,500) for the damages sustained by Vincent Mifsud, in breach of Article 325(1)(b) of Chapter 9 of the Laws of Malta.

Moreover, the court is humbly requested to apply Article 355Z(c) of Chapter 9 of the Laws of Malta.

After having seen that the Prosecuting Officer Inspector Robert Vella read out and confirmed on oath the charges brought against the accused, in the presence of the accused on the 15th March, 2019.

After having seen all the documents exhibited in the proceedings, and more specifically 3 quotations marked as Doc VM1, an affidavit marked as Doc VM2 and an estimate of damages marked as Doc VM3.

After having heard the witnesses produced by the Prosecution, specifically RPC 3121 Francis Muscat, PC 1049 William Joseph Grech, Vincent Mifsud, Lawrence Piscopo and Mario Tonna.

After having heard the witnesses produced by the Defence, specifically Georgiona Elena Chinue;

After having heard the cross-examination of WPS 145 Graziella Zammit, PC 1049 William Grech and RPC 3121 Francis Muscat.

RPC 3121 Francis Muscat in his affidavit declared that Vincent Mifsud went to Rabat Police Station on the 6th of January 2017 at 10.00hrs to report that in the house he rents he found a lot of broken things. RPC 3121 Francis Muscat and PC 1049 went on site and Ms Chiue led them to a room where there was James Donald Groves drinking wine and talking and shouting. RPC 3121 reported that along the way there were several broken objects, furniture and doors as well as knives. He continued to report that Mr Groves wanted to kill himself because his wife didn't love him anymore, and whilst he tried to calm him down PC 1049 took the knives away. RPC 3121 stated that PC 1049 contacted Rabat Health Centre, and Dr Angel Sammut from Mosta Health Centre examined him on site and then, he and PC 1049 escorted Mr Groves to Mater Dei Hospital.

PC 1049 William Joseph Grech, in his affidavit, reiterated the substance of the RPC 3121 Francis Muscat's affidavit.

Vincent Mifsud stated that on the 6th January 2017, as he was taking the car out of the garage, he found Mrs Chinue who told him to call the police. When he went to check, he could barely speak with the shock of finding almost everything broken and things thrown around. Mifsud said that he reported at the Police Station and the couple agreed to pay for everything. He continued that he helped them clean the apartment. Mifsud stated that even though Mrs Chinue told him she would be paying him the week after, several attempts to contact her proved to be futile, and thus he went to the Police Station to proceed with the case. Mifsud exhibited three quotations and an affidavit from Lawrence Piscopo of B4Group.

Lawrence Piscopo confirmed that he issued the blinds quotation a fol 27 and a fol 29.

Vince Mifsud exhibited a list and estimate of the damages incurred marked as Doc VM3 and he confirms that this was done with Mrs Chinue and that it was signed by both of them.

Mario Tonna confirmed that he issued the quotation of the glass.

Georgiona Elena Chinue stated that when she arrived at her at her apartment she found furniture and other items which were damaged. She stated that she spoke to the owner and informed him to come up and see for himself the damaged furniture. She added that he must

call the police. She added that when her ex-husband came back home he was drunk and wanted to commit suicide. She confirmed that he has alcohol problems and had previous similar incidents. Mrs Chinue also confirmed that her ex-husband had agreed to pay for everything and that she did not cause any of the damages in the house.

Having heard oral submissions by the parties.

Considers:

Vincent Mifsud had lodged a police report that he had found several items in his apartment damaged which was rented to the accused. He was approached by Georgiona Elena Chinue, one of the accused, so that he would go with her inside the apartment. When he was inside the apartment, he found several items damaged and James Donald Groves was still inside. He added that that the accused Georgiona Elena Chinue had informed him that they made a mess and that they would pay for all the damages. Even the other accused had told him that he will pay for the damages in the presence of the police. He produced several quotations for the replacement of the damaged goods.

This case rests on the evidence tendered by the complainant and the police who were involved in the investigation. Vincent Mifsud had testified that both the accused had admitted that they had caused the damages inside his apartment. From the affidavits of the Police who were involved in the investigation, none had mentioned that the accused had admitted causing the damage in the apartment and that they would pay for anything. On the other hand, they all confirmed that they found several items damaged inside the property and that James Daniel Groves had to be admitted to hospital because of his psychological state. It was only RPC 3121 Francis Muscat who under cross-examination stated that the accused had admitted that he had caused the damage to the property.

On the other hand, when the other accused, namely Georgiona Elena Chinue testified during these proceedings she denied having caused any damage inside the apartment. She had informed the complainant of the damages and invited him to enter inside the apartment. Her husband was not present when the complainant arrived but came later and was drunk. When the Police arrived, her husband was also present. According to Georgiona Elena Chinue stated that it was not the first time that her husband had caused damages to other properties.

Considers

The testimony tendered by the complainant Vincent Mifsud and that of RPC 3121 Francis Muscat shows that it was James Donald Groves who had caused the damage inside the apartment. Although Vincent Mifsud stated that both accused had caused the damage to the apartment and they were ready to pay. It is to be noted that Georgiona Elena Chinue had testified that she had found the apartment in that state and informed Vincent Mifsud. She denied that she had caused any damages to the property because at the time of the incident she was at work. None of the witnesses (apart from Vincent Mifsud) had mentioned that Georgiona Elena Chinue had caused the damage. This Court does not find any corroborating evidence that she had damaged the property of the complainant. On the other hand as regards the other accused, the Court cannot take into consideration what Georgiona Elena Chinue as the other co-accused, had stated in her testimony.

On the other hand, from the testimony tendered by Vincent Mifsud and corroborated by RPC 3121 Francis Muscat both added that the other co-accused had admitted to have caused the damage. Although, Vincent Mifsud said that Georgiona Elena Chinue would pay for the damages but it does not mean that she is criminally liable for the damages caused by the other co-accused. No other corroborating evidence was brought forward that she was involved in the incident apart from saying that she would pay the landlord.

Decide:-

Thus, the Court, after having seen Article 325 (1)(b) of Chapter 9 of the Laws of Malta, does not find the accused **Georgiona Elena Chinue** guilty of the charge brought against her and acquits her from it.

Dr. Caroline Farrugia Frendo LL.D.
Magistrate

Nadia Ciappara
Deputy Registrar