



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

MAGISTRATE DR. SIMONE GRECH

COLLISIONS

Police

vs

Georgi Hristov Hristov

Today the 7th day of March, 2022

The Court;

After having seen the charges brought against Georgi Hristov Hristov, holder of identity card number 0036054A, whereby he was accused with having on 25th July 2016, at about 21.40hrs in Triq il-Korp tal-Pijunieri, San Pawl il-Bahar, drove vehicle Y 1085 AH;

“1. drove or attempted to drive or was in charge of mentioned vehicle on the road or other public place when you were unfit to drive through drink or drugs,

2. Also, you drove, attempted to drive or was in charge of vehicle on the road or other public place after consuming so much alcohol that the proportion on it in your breath, blood or urine exceeded the prescribed limit. (142.3ug/100ml),

3. Moreover through imprudence, negligence and unskillfulness in your art or profession, and non observance of the motor vehicle regulations, collided in vehicle with Reg no: HBO146 and caused involuntary damages to the detriment of Anthony Wood,

4. Moreover through imprudence, negligence and unskillfulness in your art or profession, and non observance of the motor vehicle regulations, collided in vehicle with Reg. no: BCG162 and caused involuntary damages to the detriment of Alghaze Abd Uarahman,

5. Drove the mentioned motor vehicle without a circulation license issued by the Authority of Transport,

6. Also drove the mentioned motor vehicle or any other vehicle without a driver's license,

7. Also you are deemed to be a recidivist by a court sentence from the Magistrates Court (Malta) dated 9th April 2013, Magt Dr. F Depasquale LLD, which such judgement has become absolute and cannot be changed.

The Prosecution requests that the mentioned person be disqualified from all his driving licenses”

Having seen that this case was assigned to this Court as presided;

Having heard the evidence;

Having seen all the documents exhibited;

Having seen all the acts of the case;

Considers:

As regards the first and second charges, the Court took note of the evidence given by PS 914 and PC 902. The court also took note of the result slip of the breathalyser test, which was exhibited in the acts of this case. From all this, the Court is satisfied that the Prosecution proved beyond all reasonable doubt, both of these charges. The Court is thereby finding the accused guilty of both charges. The Court shall apply the law, which was applicable at the time the offences were committed.

As regards the third charge, the Prosecution did not produce as witness, Anthony Wood, and therefore the accused shall be acquitted from this charge.

As regards the fourth charge, Alghaze Abd Uarahman declared that he had no interest in this case, and did not testify. Consequently, the accused shall also be acquitted from this charge.

As regards the fifth charge, the representative of Transport Malta confirmed that Transport Malta has no records of vehicles which have a foreign registration number. The Court deems that even had it to consider that this charge has been proven, this is a contravention with a short prescriptive period, which had already lapsed when the accused was notified of these charges. In fact, the accused was notified on 4th May 2017, and thereby the three month prescriptive period had lapsed in his favour.

As regards the sixth charge, it resulted from the evidence given by the representative of Transport Malta, that the accused had a driver's licence issued on the 31st May 2016. This licence was valid up until 14th November 2026. As a result, the accused shall not be found guilty of this charge.

As regards the seventh charge, although Prosecution presented a copy of the relative judgement dated 9th April 2013, delivered by Magistrate (now Judge) Francesco Depasquale (marked as SM), no proof was brought by Prosecution, as to whether this judgement is a *res judicata*, or whether an appeal was instituted. As a result, the accused shall also not be found guilty of this charge.

Decide

In view of the above mentioned reasons, the Court is acquitting the accused from the third, fourth, fifth, sixth and seventh charges, whilst after taking note of Articles 15A, 15B and 15H(1) (a) and (2) of Chapter 65 of the Laws of Malta, and Article 17 of the Criminal Code, finds the accused guilty of the first and second charge, and condemns him to a fine (multa) of one thousand and six hundred Euros (€1600). The Court is also disqualifying the offender from holding or obtaining a driving licence for a period of six months.

Magistrate Dr. Simone Grech

Janet Calleja
Deputy Registrar