



**COURT OF MAGISTRATES (MALTA)
AS A COURT OF CRIMINAL JUDICATURE
MAGISTRATE DR. GABRIELLA VELLA B.A., LL.D.**

Case No. 2192/2022

**The Police
(Inspector Christabelle Chetcuti)**

Vs

Shree Krishna Pangeni

Today, 11th April 2022

The Court,

After considering the charges brought against Shree Krishna Pangeni, thirty (30) years of age, son of Hari Har Pangeni and Bishnu Maya Pangeni, born in Nepal on the 10th February 1992, residing at 04, Tal-Qroqq Mans., Flat 4, Triq tal-Qroqq, Msida, and holder of Maltese Identity Card No. 0219624A and Residence Permit No. MT0973971, of having on the night between the 3rd and 4th April 2022, whilst in the locality of Birkirkara in the Maltese Islands:

1. Disobeyed the lawful orders of any authority or of any person, that of PS1037, PC714, PC1146, PC1466 and PC2255, entrusted with a public service, or hindered or obstructed such persons in the exercise of their duties, or otherwise unduly interfered with the exercise of such duties, either by preventing other persons from doing what they are lawfully enjoined or allowed to do, or frustrating or undoing what has been lawfully done by other persons;
2. With having on the same date, time, place and circumstances driven, attempted to drive or was in charge of a motorcycle or other vehicle of make Kymco with Registration No. HCA-858 on a road or other public place after consuming so much alcohol that the proportion of it in his breath, blood or urine exceeded the prescribed limit;
3. With having on the same date, time, place and circumstances driven, attempted to drive or was in charge of a motorcycle or other vehicle of make Kymco with Registration No. HCA-858 on a road or other public place and was unfit to drive through drink or drugs;

4. With having on the same date, time, place and circumstances driven a motorcycle or other vehicle of make Kymco with Registration No. HCA-858 without a licence issued by Transport Malta or an unlicensed motor vehicle or other vehicle;
5. With having on the same date, time, place and circumstances driven a motorcycle of make Kymco with Registration No. HCA-858 without being covered by an insurance policy in respect of third parties;
6. With having on the same date, time, place and circumstances whilst driving or having charge of a motorcycle did not comply with any order, indication or signal given or made by the Police or community officer for the purposes of regulating traffic or for any other purpose in the exercise of their duty;
7. With having on the same date, time, place and circumstances driven a motorcycle or other vehicle of make Kymco with Registration No. HCA-858 in a reckless, negligent or dangerous manner;
8. With having on the same date, time, place and circumstances driven a motorcycle of make Kymco with Registration No. HCA-858 in an excessive manner;
9. With having on the same date, time, place and circumstances through imprudence, negligence or unskillfulness in his trade or profession or through non-observance of any regulation, caused any fire or damage, spoiled vehicle of make Fiat Punto with Registration No. GVP-650 to the detriment of the Malta Police Force, the Government of Malta and/or other entities;
10. With having on the same date, time, place and circumstances in any public place or place open to the public found drunk and incapable of taking care of himself or in any public place or place open to the public or whilst being in charge of any vehicle;
11. With having on the same date, time, place and circumstances wilfully disturbed the public good order or the public peace;

After considering the request by the Prosecution for the Court, in case of guilt, in addition to applying the penalty according to law, to disqualify the accused from holding or obtaining a driving licence for such period as the Court deems appropriate in accordance with Section 15(4) of Chapter 65 of the Laws of Malta;

After considering the further request by the Prosecution for the Court, in case of guilt, in addition to applying the penalty according to law, order that the accused pay any costs incurred in the appointment of and Court Expert in terms of Section 533 of Chapter 9 of the Laws of Malta;

After considering the documents submitted by the Prosecution marked as Doc. "A" to Doc. "H";

After hearing the accused plead guilty to all the charges brought against him which guilty plea was confirmed by him even after the Court, in terms of Section 453(1) of Chapter 9 of the Laws of Malta, warned him in the most solemn manner of the legal consequences of his guilty plea after having given him sufficient time within which to reconsider and withdraw his guilty plea;

After hearing submissions by the Prosecution and Defence Counsel regarding punishment, from which it transpires that following his arrest the accused fully co-operated with the Executive Police;

After considering all the records of the proceedings;

Considers:

The accused is being charged of having on the night between the 3rd and 4th April 2022, whilst in the locality of Birkirkara in the Maltese Islands: (1) Disobeyed the lawful orders of any authority or of any person, that of PS1037, PC714, PC1146, PC1466 and PC2255, entrusted with a public service, or hindered or obstructed such persons in the exercise of their duties, or otherwise unduly interfered with the exercise of such duties, either by preventing other persons from doing what they are lawfully enjoined or allowed to do, or frustrating or undoing what has been lawfully done by other persons; (2) With having on the same date, time, place and circumstances driven, attempted to drive or was in charge of a motorcycle or other vehicle of make Kymco with Registration No. HCA-858 on a road or other public place after consuming so much alcohol that the proportion of it in his breath, blood or urine exceeded the prescribed limit; (3) With having on the same date, time, place and circumstances driven, attempted to drive or was in charge of a motorcycle or other vehicle of make Kymco with Registration No. HCA-858 on a road or other public place and was unfit to drive through drink or drugs; (4) With having on the same date, time, place and circumstances driven a motorcycle or other vehicle of make Kymco with Registration No. HCA-858 without a licence issued by Transport Malta or an unlicensed motor vehicle or other vehicle; (5) With having on the same date, time, place and circumstances driven a motorcycle of make Kymco with Registration No. HCA-858 without being covered by an insurance policy in respect of third parties; (6) With having on the same date, time, place and circumstances whilst driving or having charge of a motorcycle did not comply with any order, indication or signal given or made by the Police or community officer for the purposes of regulating traffic or for any other purpose in the exercise of their duty; (7) With having on the same date, time, place and circumstances driven a motorcycle or other vehicle of make Kymco with Registration No. HCA-858 in a reckless, negligent or dangerous manner; (8) With having on the same date, time, place and circumstances driven a motorcycle of make Kymco with Registration No. HCA-858 in an excessive manner; (9) With having on the same date, time, place and circumstances through imprudence, negligence or unskillfulness in his trade or profession or through non-observance of any regulation, caused any fire or damage, spoiled vehicle of make Fiat Punto with Registration No. GVP-650 to the detriment of the Malta Police Force, the Government of Malta and/or other entities; (10) With having on the same date, time, place and circumstances in any public place or place open to the public found drunk and incapable of taking care of himself or in any public place or place open to the public or whilst being in charge of any vehicle; (11) With having on the same date, time, place and circumstances wilfully disturbed the public good order or the public peace.

The accused pleaded guilty to all the charges brought against him and in view of the said guilty plea the Court finds the accused guilty of all the charges so brought against him.

In so far as concerns punishment the Court took into account the fact that the accused has a clean conviction sheet, that he fully co-operated with the Executive Police, that he

submitted a guilty plea at a very early stage of the proceedings and that the first, second, third, fourth, fifth, sixth, eighth, ninth, tenth and eleventh charge brought against the accused are absorbed in the seventh charge brought against him.

Therefore after considering Sections 328(d) and 338(ee)(dd)(ff) of Chapter 9 of the Laws of Malta, Sections 15(1)(a)(2), 15A, 15B, 15H(1), 55(1)(2) of Chapter 65 of the Laws of Malta, Regulations 124(1) and 127(1) of Subsidiary Legislation 65.11 and Section 3(1)(2)(2A) of Chapter 104 of the Laws of Malta, the Court finds the accused, upon his own admission, guilty of the charges brought against him and condemns him to five (5) months imprisonment however, since the Court is of the opinion that there are sufficient reasons which warrant that the said term of imprisonment hereby imposed be suspended, namely that the accused has a clean conviction sheet, that he fully co-operated with the Executive Police and that he submitted a guilty plea at a very early stage of the proceedings, in terms of Section 28A of Chapter 9 of the Laws of Malta the said term of five (5) months imprisonment is being suspended for a period of one (1) year from date of this judgement.

In terms of Section 28A(4) of Chapter 9 of the Laws of Malta the Court explained to the accused in plain language his liability under Section 28B of Chapter 9 of the Laws of Malta if during the operational period of this suspended sentence he commits an offence punishable with imprisonment.

In terms of Section 15(2) of Chapter 65 of the Laws of Malta, which provision of the law is applicable in view of the fact that for purposes of punishment the first, second, third, fourth, fifth, sixth, eighth, ninth, tenth and eleventh charge brought against the accused are absorbed in the seventh charge brought against him, the Court disqualifies the accused from holding or obtaining a driving licence for a period of three (3) months from date of this judgement.

Since no Experts have been appointed in the proceedings, the Court abstains from considering the request put forth by the Prosecution in terms of Section 533 of Chapter 9 of the Laws of Malta.

MAGISTRATE

DEPUTY REGISTRAR