



**In the Court of Magistrates (Malta)  
As a Court of Criminal Judicature**

**Magistrate Dr. Yana Micallef Stafrace LL.D.**

Police

(Spettur Charlotte Curmi)

Vs

Hergen Hans Friedrich

6<sup>th</sup> February 2023

The Court

Having seen the charges brought against Hergen Hans Friedrich son of Heinz and Hilda nee Bohling born on the 22/4/1951 residing The Dove Triq il-Klarissi San Giljan id no 23966A with having on the 9<sup>th</sup> June 2021 at about 10.00 hrs in 21st September Avenue Naxxar driven the vehicle with registration no BBT824:

1. And was involved in a traffic accident with another vehicle no CBV613 you failed to stop and when you were required you failed to give your particulars your name and address the name and address of the owner of the motor vehicle the details of the insurer of vehicle as well its registration mark or number of the vehicle that you were driving as requested by law.

2. Moreover through imprudence negligence and unskillfulness in your art or profession and non observance of the motor vehicle regulations collided in vehicle with registration no CBV and caused involuntary damages to the detriment of Philip Sultana.
3. And also drove the mentioned vehicle in a reckless manner.
4. And also drove the mentioned vehicle in a negligent manner.
5. And also drove the mentioned vehicle in a dangerous manner.

The Prosecution requested that the mentioned person be disqualified from all his driving licences.

The Court was also requested that in case of guilt to deduct points from the driving licence as indicated in SL 65.18 Art 36B and in SL 65.18 sixth schedule.

Having seen Articles LS 65.11MVR 67 (1) (5) Chap ( Article 328 (d) Chap 65 Art 15(1)(a)(2) SL 65.18 Art 36B and in SL 65.18 sixth schedule.

Having seen all the witnesses produces by the prosecution.

Having seen the testimony of the accused.

Having seen the acts of the proceedings.

Having seen the oral submissions of the parties.

### **Considerations of this Court**

Having seen the version of facts in Philip Sultan's testimony who gave his version of the events.

Having seen Mario Zerafa's testimony regarding the estimate on CBV 613.

Having seen the affidavit of PC 2328 Lilian Attard specifically regarding the damages to vehicle BBT 824.

Having seen the version of facts in the accused's testimony.

### **Conclusions**

Of particular significance is the affidavit of PC 2328 where she details the regarding damages to vehicle BBT824.

The court believes Philip Sultana's testimony regarding the dynamics of the incident and is not convinced by the accused's version.

Therefore, concludes that there is sufficient evidence to a level of proof sufficient in criminal proceedings to find the accused guilty of the first, second and third charges but not the fourth and fifth charges.

For these reasons the Court finds the accused guilty of the first, second and third charges but not of the fourth and fifth and condemns the accused to a fine of Euro seven hundred and fifty (750) , eight days suspension of all his driving licences and 6 points on his driving licence.

Magistrate Dr Yana Micallef Stafrace

Doris Serpina Sciberras

Deputy Registrar

