



Court of Magistrates Malta
As a Court of Criminal Judicature
Magistrate Dr Yana Micallef Stafrace LL.D.

Police

(Spettur Charlotte Curmi)

Vs

Godwin Debono

Collissions Sitting

2nd May 2023

The Court

Having seen the charges brought against Godwin Debono bin Alfred u Iris nee Camilleri mwieded fil-25/12/1965 u joqghod 3, Shipley Court Fl5 Triq H Calleja Schembri Msida Id 19766(M) talli fid-29 ta' Lulju 2022 ghall-habta ta' 18:30hrs go Triq Nazju Falzon Msieda kantuniera ma' Triq Hriereb Msida soqt vettura b'numru ta' registrazzjoni KID 804:

1. Talli b'nuqqas ta' hsieb, bi traskuragni jew b'nuqqas ta' hila fl-arti jew professjoni tieghu jew b'nuqqas ta' tharis ta' regolamenti ikkagunajt hruq u jew ghamilt xi hsara jew hassart jew gharraqt xi haga minhabba f'hekk

Danny Ramsey Lasso Chaves batgha offiza gravi fuq il-persuna minghajr il-konsegwenzi msemmija fl-artikolu 218 tal-Kapitolu 9 tal-ligijiet ta' Malta skond kif iccertifika Dr Bernard Briffa MD mill-MDH

2. U talli soqt l-imsemmija vettura b'manjiera traskurata
3. U aktar inqast li tieqaf fejn kien hemm sinjal li jindika STOP
4. Il-Prosekuzzjoni talbet li tigi skwalifikat mill-licenzji kollha tieghek tas-sewqan
5. Il-Qorti mitluba li f' kaz ta' htija minbarra li tinfliggi il-piena skond il-ligi tnaqqas il-punti mill-licenzja tal-sewqan hekk kif stabbilit mill-LS 65.18 art 36B u fil- LS 65 Sitt Skeda

Having seen articles 328(c) of Chapter 9 of the Laws of Malta Articles 15(1)(a)(2) of chapter 65 of the Laws of Malta, LS 65.18 art 36B and LS 65 Sixth Schedule of the Laws of Malta

Having heard the evidence and seen all the records of the case and the documents exhibited and heard all the witnesses

Having seen that the accused agree that the proceedings be conducted in the English Language

Having seen that Dr Chris Dalli would translate for his client

Having seen that the defendant chose not to give evidence

Having heard the submissions of the case

Considerations of the Court

Fahed Aijian, gave testimony in the Maltese language on the 1st of December 2022

Pros: Fahed inti rajt xi incident ahna ma konniex hemm spjega l-Qorti x`rajt kif gara l-incident bejn min kien l-incident?

Xhud: Bejn dan is-sinjur u dak is-sinjur.

Qorti: Ix-xhud indika lil imputat.

Pros: Min kien qed isuq xiex tiftakar?

Xhud: Ehe, mela is-sinjur kien qed isuq il-mutur.

Pros: Tal-glekk blu kien qed isuq il-mutur?

Xhud: Ehe.

Qorti: Ix-xhud jindika indika lil Danny Ramsey Lasso Chavez

Xhud: U l-iehor kien qed isuq,

Qorti: U l-iehor indika lil Godwin Debono.

Pros: IL-imsida fejn hemm xi hanut forsi?

Xhud: Li kien hemm xi hanut tal-messaggi fejn il-habta m`hemmx hanut iehor.

Pros: Il-KFC tabqzu jew hekk? Tiftakar xi haga partikolari jew xi bank jew hekk forsi?

Xhud: Le m`hemmx bank hemmekk.

Pros: Il-hin x`kien sinjur jekk jogghbok?

Xhud: Kien qisu bejn l-4.30 u l-5.00 wara li spiccajt mix-xoghol.

Pros: Id-data bejn wiehed u iehor ix-xahar bejn wiehed u iehor?

Xhud: Le ma niftakarx.

Pros: Kien ahwn dawn is-sinjuri tal-blue kien qed isuq il-mutur u?

Xhud: U l-iehor kien ghaddej bil-karozza u kien hemm xi vann din in-naha tal-lemin li wara Stop ma tistax tara min gej hawnekk.

Qorti: Mela xi hadd hareg minn fuq Stop u kien qed jostakolalu il-vizzwali vann, igifieri kien hiereg minn triq laterali?

Xhud: Le kien hemm Stop wara Stop hemm xi vann.

Qorti: U kien hemm il-vann qed tghid ma setghax jara biex johrog?

Xhud: Ezatt wara li hareg,

Qorti: Ipprova johrog jara u hareg iktar mil-vann?

Xhud: U qabez is-Stop kwazi 6 metri imma dak kien ghaddej bil-mutur, il-mutur ma smajtux kien ghaddej bis-sahha bis-sahha.

Qorti: Fuq liema naha tat-triq?

Xhud: Kien tielgha il-fuq.

Qorti: U l-karozza fejn wasslet fit-triq?

Xhud: Qabzet is-Stop xi kwazi 6 metri imma laqatha minn wara nahseb tilef il-kontroll u laqatha minn wara li jien rajtu li laqatha minn wara.

Qorti: Igifieri li hareg minn fuq Stop laqat il-mutur?

Xhud: Qabez is-sinjur tal-karozza qabez xi kwazi 6 metri wara l-Istop 6 metri wara li qabez dan kien ghaddej gas down dak waqaf tal-karozza, wara li waqaf dan laqtu mil-genb mil-kantuniera tal-karozza minn wara, nahseb tfixkel meta kien qed isuq laqtu.

Qorti: Kontro Ezami?

Avu1: Xejn.

Avu2: Jien ghandi mistoqsija wahda qed nipprezenta lil Godwin Debono Erga irrepeti min dahal go min?

Xhud: Tal-mutur dahal go fih minn wara mil-kantuniera,

Avu2: Tal-mutur dahal fil-wara tal-karozza minn wara.

Xhud: Il-kantuniera tal-karozza.

Considerations of the Court

It is clear that Godwin Debono did not stop on the Stop sign and this in itself constitutes a lack of proper lookout on his part (P vs JM Laferla 17/6/1961). This was the direct cause of this accident. Any obstacle in your vision means you have to be more careful. It is not an excuse to get out of your responsibilities as a *bonus pater familias*.

The court therefore finds him guilty of all the charges preferred against him.

Decide

For these reasons the Court after seeing articles 328(c) of Chapter 9 of the Laws of Malta Articles 15(1)(a)(2) of chapter 65 of the Laws of Malta, LS 65.18 art 36B and LS 65 Sixth Schedule of the Laws of Malta finds Godwin Debono guilty of the charges preferred against him and condemns him to a fine of one thousand two hundred euro (1,200), three months suspension of all his driving licenses and 8 points on his driving licenses.

Magistrate Dr Yana Micallef Stafrace

Doris Serpina Sciberras

Deputat Registratur