



**Qorti tal-Magistrati (Malta)**  
**Bhala Qorti ta' Gudikatura Kriminali**

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

**Illum: 4 ta' Settembru 2023**

**Il-Pulizija**

(Spettur Shamus Woods)

**vs**

Ans Algheziwi, 35 sena,  
imwieled il-Libja nhar it-12 ta'  
Settembru, 1987, u li joqghod 52,  
*Triq D'Argents Msida*, detentur  
ta' karta ta' l-identita' Maltija  
nru. 178123A;

Il-Qorti :

Rat l-imputazzjonijet kontra l-imputat Ans Algheziwi, 35 sena,  
imwieled il-Libja nhar it-12 ta' Settembru, 1987, u li joqghod 52,

*Triq D'Argents Msida*, detentur ta' karta ta' l-identita' Maltija nru. 178123A u cioe talli nhar il-25 ta' Gunju, 2023, għall-habta tal-23.40hrs., fl-Imsida u/jew fil-jiem u/jew fil-gimghat ta' qabel f'Malta:

1. Bil-ħsieb li jagħmel delitt wera dan il-ħsieb b'atti esterni u ta bidu għall-esekuzzjoni tad-delitt, liema delitt ma giex esegwit minhabba xi haga accidentalali u 'ndipendenti mill-volonta' tiegħu, u li kieku gie esegwit kien ikun delitt ta' serq ikkwalifikat bil-post u l-hin għad-dannu ta' Raja Ajaz Ahmed u/jew entitajiet ohra. Art. 41, 261(e)(f), 269(g), 270 u 281(b) Kap. 9.

2. Insulentajt, heddidt jew ingurjajt bi kliem jew b'mod ieħor lil Khan Raja Ajaz Ahmed detentur tal-karta tal-identita bin-numru. Art.339(1)(e) Kap.9

3. F'lok pubbliku jew f'post miftuħ għall-pubbliku, kont fis-sakra b'mod li ma kontx tista' tieħu ħsieb tiegħek innifsek. Art.338(ff) Kap.9.

4. Kiser il-kundizzjonijiet tal-liberta provizorja imposti fuqu mill-Qorti tal-Maġistrati (Malta), preseduta mill-Maġistrat Dr. Claire Stafrace Zammit LL. D, digriet datat 20/07/2021 f'dan li bih ingħata l-ħelsien mill-arrest taħt diversi kundizzjonijiet fosthom li ma jikkommettix reat ieħor.

5. U aktar talli irrenda ruhu recidiv ai termini tal-artikoli, 49,50 u, jew 289 tal-Kap 9 tal-ligijiet ta' Malta liema sentenzi saru definittivi u ma jistawx jinbidlu.

Il-Qorti giet mitluba li tirrevoka l-helsien mill-arrest ta' l-imsemmi Isem-Aggressor u tordna larrest mill-gdid ta' l-imsemmija imputat u, jew tordna li is-somom marbuta jgħaddu favur il-Gvern ta' Malta.

Il-Qorti giet gentilment mitluba li f'kaz ta' htija minbarra li tinflingi l-pieni stabbiliti mill-Ligi, tordna lill-imsemmija persuna sabiex thallas l-ispejjez li ghandhom x'jaqsmu mal-hatra ta' l-esperti, jekk ikun il-kaz, kif provdut fl Artikolu 533 tal-Kap. 9 tal-Ligijiet ta' Malta.

Rat l-artikoli 31 (1)(c), 41, 261(e)(f),269(g), 270 u 281(b)  
 Art.339(1)(e) Art.338(ff) 49,50 u, jew 289 art 533 579 (2)(3) tal-  
 Kap 9 tal-Ligijiet ta' Malta.

Semghet ix-xhieda kollha prodotti mill-prosekuzzjoni  
 L-imputat ghazel li ma jixhidx  
 Rat l-atti kollha u d-dokumenti kollha ezebiti  
 Semghet it-Trattazzjoni tal-partijiet.

## **Ikkunsidrat**

### **Fl-4 ta' Lulju, 2023 Robert Sils xehed hekk :**

Pros: Ok Robert can you tell the Court why you were  
 summoned today?

Wit: Yes so in the evening I was coming back home  
 with a scooter and I,

Court: You remember the date?

Wit: I don't remember the date.

Pros: Do you remember the time approximately?

Wit: The time it was evening it was like 10 or 11 and I saw the car it was there was alarm in the car,

Court: What car?

Wit: I had seen from the beginning it was between other cars and black car I was coming with the scooter coming to my garage in Msida.

Court: You know the name of the street?

Wit: Triq it-Torri Point Avenue and I saw the between cars one of the car got alarm and I saw then person there and I stopped try to come to see if everything was alright because in Malta I haven't seen an alarm the cars and when I was coming I saw the guy was sitting inside the car and moving to the front seats he was coming from the back seat left one.

Court: Do you know the car was open close what was it?

Wit: The car was I don't know if it was before open door or closed i haven't seen because it was between the cars then,

Court: What color was the car?

Wit: Looks like black color looks like Mercedes some like small one something like this, then when I came closer and wanted to ask something going on then came 2 guys not tall shorter than me and they run to this car where was they tried to close the guy who was already there inside .

Court: Are you recognizing here the man who you are saying that they was inside the car?

Wit: Yes.

Court: Can you show me?

Wit: There yes.

Court: Ix-xhud indika lil imputat.

Wit: So then he tried to get out from the car and he can do that from one side and he start to run

from the other side and then this 2 guys caught him and I tried to hold this guy that he not gonna run then came owner of the car the big guy he was here before and he just took him hold him and moved a but out from the car and then they was talking most probably in Arabic I didn't understand but then this guy told that he don't wanna do nothing like he didn't want to this and that we gonna release he is hungry that time I told you know the guy they gonna release him or something like that but then suddenly a person took out knife and said he is gonna,

Court: Who is this person?

Wit: That person.

Court: Ix-xhud rega indika lil imputat.

Wit: Yes he took out a red knife it's like this Swiss knife red color you know which can open then it was this guy he took his hand the knife fall down and we put this guy on the ground.

Pros: Sorry what was he saying to these persons when he was holding the knife?

Wit: He said to guy the owner that if he gonna call the police he gonna kill him.

Court: In what language he said that?

Wit: In English, so after that this big guy so the owner of the car was sitting over this guy hold him because he was super angry he is trying to like provoke and then other 2 guys helped to hold him until police came.

Court: You were there until the police arrived?

Wit: Yes, and the rest was on the video the police tried to calm him down,

Court: On the video what do you mean on the Police bodycam?

Wit: Yeah, they tried to calm him down he didn't come down even he was in the police car then police took my particulars details and my version, basically that's all and yeah as well he told that he gonna kill everyone there when he comes back.

Court: And who did he address these words to and who did he speak to?

Wit: The owner and the 2 guys who was helping he was told that he is gonna kill them everyone there so we were holding him like that he can't do nothing.

Court: Did you notice anything about the meaner that you think maybe he was in a state or other?

Wit: I can't judge the state he was but he was like super angry you know and i was not gonna leave that area and for me it was just help the person and until police gonna come so but he was like super angry behaved like trying to provoke us and emotions but you know police was there and doing their job.

Qorti: Kontro Ezami Riservat.

**Fid-19 ta' Lulju, Spettur Roderick Attard xehed hekk :**

Xhud: Iva nahlef, Maelamqed nezebixxi il-kopja vera kopja tal-kundiuzzjonijiet tal-Helsien mil-arrest ta` Ans Abdullah Alghewizi qed naf=rfu hawnekk bhala l-imputat, nikkonferma ukoll li dawn il-kundizzjonijiet ghadhom veggenti invista tal-fatt li kawza odjerna li minnhom johorgu dawn il-kundizzjonijiet li qed nezebixxi ghadha ghadejja u qeghda differeita ghall-



provi tad-difiza nhar is-6 ta` Novembru 2023 quddiem il-Magistrat Claire Stafrace Zammit.

Qorti: Mela DOK RA, Kontro Ezami Riservat.

Fil- 19 ta' Lulju 2023 **Raja Raja Ajaz Ahmed Khan xehed hekk:**

Pros: Can you tell us why you are summoned here today in Court?

Wit: Yeah from the guy that come to my car.

Pros: Can you tell us the date and the street that this incident happenend?

Wit: The street near my house this appartment I nearly shit here somebody called me.

Pros: Can you tell me the name of the street?

Court: The address is the one on the id card can I see your Id card please?

Wit: Yes.

Court: Triq Dun Karm Imsida?

Wit: Yes this the street.

Court: And what happened the date please?

Wit: Is like night time like 23 plus I was at home.

Court: 23 plus what do you mean?

Court: After 11?

Wit: After 11 yes, so my friend call because they call me before I was coming to with your home so I make something to cook and I said come, then they call me again come down quickly, what happened and I listen some sound so I said ok I come down quickly take action the guy.

Court: What guy?

Wit: This one.

Court: Ix-xhud indika lil imputat.

Wit: So he say he is in your car, I said what are you doing in my car,

Court: He was in the car?

Wit: No that time he near the car then my friend he catch him like.

Court: What`s your friend`s name?

Wit: Abdul Naveed and Irfan, so one other man is now brought something like the urban guy he said don`t touch him we call the police.

Court: So what was the man doing that you had to call the police?

Wit: I don`t know they call the police before.

Court: You don`t know what happened?

Wit: No, I just there.

Court: Do you remember the date when this happened?

Wit: Exactly I don't know the time.

Pros: But you know at least the month?

Wit: Yes the last month.

Court: You mean June or July?

Wit: No June this year last month before like 26 June because maybe 24 something like this because that time I had blue paper.

Pros: Then what happened?

Wit: So I hold him so he was like forcing please leave us I am Muslim, so I thinking I leave him but he said we call the police don't leave him the European guy Robert I said ok. Then holding him then he forceing me try other I kill you I said please.

Pros: Who said I kill you?

Wit: He the guy I don't know his name.

Court: Ix-xhud indika lil imputat.

Wit: So I say he say I am Muslim I say I am muslim so please this is not good then he I don't know he had a back bag he wearing bag he just took knife maybe in pocket something his knife colour is red and he said I kill you I saw it then I hold his hand and my friend come he took his knife, then I put him down then we wait for the police.

Court: Il-Qorti qed turi lix-xhud DOK SW 1 do you recognize this object?

Wit: Yes.

Court: So when you say this what is it?

Wit: Red colour.

Court: The red knife you were referring to?

Wit: Yes.

Pros: And then what happened?

Wit: Then my friend took it we were waiting for the police so then he was shouting like this we

can't listen so we wait for the police to come  
the police come then arrest him and took our  
address name and everything and said I will let  
you know, then I go home.

Court: Cross examination.

Adv: So you said you were in your apartment when  
somebody, how were you informed about the  
incident happened?

Wit: Naveed call me my room partner he was with  
Irfan, Irfan and my friend they come back  
because he is a Taxi Driver he come he said we  
are coming to eat.

Adv: So Irfan found him near your car?

Wit: Irfan and Naveed they are together.

Adv: They are both you room mates?

Wit: No only Naveed.

Adv: Sowhy was the other what was he doing there?

Wit: He Naveed he pick him from his house he lives in Msida so they come to eat in my house I amke chicken rice so he said we are comeing to eat I said come no problem.

Court: So Irfan was going to be a guest in your house?

Wit: Yes yes.

Adv: So they were on the way toyour house right?

Wit: Yes.

Adv: Ok but when they called you what they told you that there was this man and you went down stairs right?

Wit: Yes they called and I come down.

Adv: Ok, so there were Irfan the other friend and this gentleman here right?

Wit: There was a European guy,

Court: European guy he called him.

Adv: And who was this European guy do you know him?

Wit: I saw him last time but he say I live here I say  
I am new here in June I shift here.

WitL Orajt and when you went you found them already  
there the 3 and he was with the bike?

Wit: Yeah, the parking guy saw it and I called the  
police as well so wait for the police.

Adv: And the 3 of them were holding he was out of the  
car you said?

Wit: No I didn't see him inside the car, my car was  
open.

Adv: Where did you see him on the pavement or in the  
road?

Wit: In the road my car also parking behind the car  
and the car is open so then,

Court: The car was open you said?

Wit: Yes is open the doors are open he say I was but  
I didn't took anything but I check nothing has



happened because nothing I had my fitness bag and it was still there.

Adv: And you do not lock your car am I correct?

Wit: It was locked but the back mirror like 2 weeks open for here because they were not working so I open in my morning but I close at night, how was open I don't know.

Adv: But you found nothing missing?

Wit: No nothing missing.

Adv: When you went down you said he was in the road with these 3 men, was he walking was he being held by the 3 men?

Wit: He was being held by the 3 of the men behind my car.

Adv: So when you went down he remained they remained holding him right so he doesn't run away, so how did he at that point get out the penknife if he was being held down by the 3 people how is it possible, you said they were holding him and you didn't see anything in his hand when the 3 of them were holding him so how with the 3 of them

holding them and then you went down how did he get out the penknife?

Wit: Then I come down I hold him and I'm asking him why you do in my car? so I'm like he aggressive.

Court: You said they left him, they let him go?

Wit: No no I hold him I said leave it so I say what he said wallah wallah I say you are muslim he said yes I said what you be muslim, muslim not doing this so he said please leave me alone I'm thinking, then guy tell me I call the police don't let him go, I say ok then I'm holding and he talking to me and that time he took knife and I saw it in his right hand so I holding like this.

Court: You hold him from his left side and he took it out from the right arm right hand?

Wit: Yes, then hold him just with the right hand liek this and I call my friend hey he has knife then they come and took it.

Adv: So when you were holding him you were holding him with one hand how were you holding him you are a big man I mena you are a big strong man how were you holding him?

Wit: One hand like this from his shirt.

Adv: And your friends were holding him at that time?

Wit: No.

Adv: They let him go?

Wit: But they were standing here.

Adv: They were close to you?

Wit: Yes just starting police coming we wait for the police coming they were waiting for the police.

Adv: And when the police came were you still holding him all of you then?

Wit: No then police came because he I took knife then I put him force with me we put him down and the we hold him he was forcing too much.

Adv: Ok Further Cross Examination Reserved.

**Fid-19 ta ' Lulju, 2023 Abdul Naveed xehed hekk:**

Pros: Can you tell us why you were summoned here today?

Wit: Acyually come with me my friend I come home for eating that time I coom for eating for home and at around 10.30,

Court: What is the name of your friend?

Wit: Muhammed Irfan.

Court: And you werew going to your home?

Wit: No no he finished the work I collect from Valletta.

Court: And you were going where?

Wit: To Valletta and then I pick up him and come to my home.

Court: And your home is where?

Wit: Is in Msida.

Court: Do you know the address?

Wit: 46, Maracana Court, I don't know the street because we are new here.

Court: Is it the same that you have on your Id card?

Wit: No I change it.

Court: Ok, so what happened you arrived where you did what?

Wit: I arrived home so we come walk together,

Court: So you parked your vehicle you were walking together to your flat?

Wit: Yes I parked the vehicle and then I walk together so we can see our friend car is sound coming so I see this our friend car we go there so we can see inside the car and someone and somebody sitting inside it in the passenger seat so I said who are you, he said this your car? yes we our friend car so,

Court: Who does the car belong to?

Wit: Friend he is Ahmed Raja Ajaz.

Court: Did he just come in the room and leave?

Wit: Yes, so they will need to ... .. they will run we will catch him so he will fight with us and catch and another person turning there beside us Mr. ... so they will fight he come out also please sit down they said so he will fight he said no no I want to go please leave us leave me so he said no no they will call him, call the police, police come sorry I call our friend car Raja Ajaz,

Court: The one you live with you called him?

Wit: Yes yes.

Court: Is the same man he came in this hall the big guy?

Wit: Yes yes they will coem also and catch him they will fight him with us so they was shouting I will kill you like that.

CourtL I kill you, who said that I kill you?

Wit: This man there.

Court: Ix-xhud indika lil l-imputat, so this is the person you saw near your friend`s car?

Wit: Yes.

Court: And he said I will kill you?

Wit: Yes, I will kill you after that we will catch him he will fall down after that he`s like need to run so he get the knife.

Court: You saw him taking out a knife?

Wit: Yes.

Court: Il-Qorti urietu SW1, what colour was the knife do you remember?

Wit: Red.

Coiurt: Do you remember this knife?

Wit: Yes this one, they will clal him and another person is called the police, police came they will catch him this man there,

Court: Ix-xhud indika lil imputat.

Pros: After you catch him did you look inside the car?

Wit: Yes we will see inside the car.

Pros: And did you notice something?

Wit: Yes, because this is our friend car but that time we didn't check what is missing or what to catch him because we our self defences because he said he run.

Court: So you saw him in the car you saw the accused in the car?

Wit: Yes he is sitting inside the car that time.

Court: So the car was obviously open?

Wit: They will open but I don't know,

Pros: Who they?

Wit: This guy.

Court: Ix-xhud indika lil imputat, so you saw him in the car which was obviously open for him to get in?



Wit: Yes.

Pros: And then after you took him out did you notice something inside?

Wit: No.

Court: What make of the car was it?

Wit: I don't know the make, colour is black.

Court: Do you know the number of the car?

Wit: 010.

Adv: Cross Examination, so when you arrived you said you know there is somebody in the car did you way your passing right next to the car?

Wit: Yes.

Court: Were you walking right next to the car?

Wit: Because our friend car parking at the corner we will park other side our car we will walk and the man entrance.

Adv: And you saw the man inside?

Wit: Yes, first time I didn't saw we listen in the sound in the car.

Adv: What sound were you listening to?

Wit: Wooo Woooo Wooo,

Court: Is it an alarm you mean?

Wit: Yes yes an alarm.

Adv: Ok, and you said you saw him sitting down?

Wit: Yes in the passenger side.

Adv: So when you arrived he was sitting inside the car right did he see you coming or did you alert him when you arrive?

Wit: I heard the alarm then we will go fastly and we see inside the car and they was sitting inside the car.

Adv: And he was just sitting or he was sleeping what was he doing?

Wit: Not sleeping he is sitting he is he look like angry this is car for who he said this car for who I said our car what are you doing here, no no I just coming inside like he is open the dashboard he open like this they will see me.

Adv: And then he came out of the car?

Wit: No no he is want to run.

Adv: But how did he to run he had to come out of the car right did he come out of the car?

Wit: One side is my friend is sitting from back door other side me but he is like push us so he run.

Adv: Coz you do not let him come out form the car?

Wit: Yes.

Adv: Then he tried to come out and yiu didn`t let him right?

Wit: He pushed the door.

Adv: And how did you stop him from running away?

Wit: My friend and me catch like this and we stopped him, and another person came and help us and because he ahd too much power so another person come.

Adv: But he did not attack you?

Wit: But he trying to run.

Adv: Cross Examination Reserved.

**Fid 19 ta' Lulju, 2023 Muhammed Irfan Ajmal xehed hekk ,:**

Pros: What happened?

Wit: My friend name is Naveed me and him together and dropped the car and going at my friend`s house and I see this,

Court: Who is the other friend his name?

Wit: The big man he come in.

Court: Do you know the date when this happened?

Wit: I forget date.

Court: Wasit this month last month?

Wit: This last,

Court: So it will be June of this year?

Wit: Yes, and I am going to dinner then I see alarm a  
car then I see,

Court: What car?

Wit: My friend car the big guy, then I see this guy.

Pros: Can you tell us which colour is the car>

Wit: Balck car.

Pros: And the make of the car?

Wit: Mercedes then I go and I see the windows down and this guy inside.

Pros: Can you tell us who?

Court: Please you're talking about Raja Ajaz Ahmed Khan please that the belongs to him?

Wit: Yes.

Wit: Then I see this man inside the car windows down.

Court: When you say this man which is the man?

Wit: This man.

Court: Ix-xhud indika lil imputat.

Wit: And I see then I am push the door not going outside.

Court: So you do not let him leave the car?

Wit: Yes, then Robert.

Court: Who is Robert how do you know him?

Wit: Last evidence name,

Court: He came give evidence?

Adv: Today or the other time?

Court: The other time I am assuming. He is European right?

Wit: Yes.

Court: But he is a friend how do you know him?

Wit: My friend Naveed call him you come down your car is open.

Court: No no how do you know Robert?

Wit: Not Robert,

Court: Robert happen to be passing by?

Wit: I don't know Robert but like Farner name last evidence Farner.

Court: But how do you know him is he a friend as well or he was in the street?

Wit: Robert is the friend of the car and I call him my friend Raja you come down your car is open then Raja is coming down and like this one gripping this man and after like shouting words like this one grip him and show the knife.

Court: How did he show him the knife he was in the car he came out what happened?

Wit: Out of the car we grip him and,

Court: So the accused came out of the car and what is the knife are talking about what happened with the knife?

Wit: Then kill him kill him he said.

Court: And what colour is this knife?

Wit: It is red like tool knife.



Court: I am showing DOK SW 1 do you recognize?

Wit: Yes like this.

Pros: When you said I kill him who was he referring to?

Wit: I am only grip him and say I kill him.

Court: Who was gripping him?

Wit: Raja is gripping.

Court: So he was saying kill him when Raja was holding him?

Wit: Yes, and after like last Farner call police and police coming Raja grip him and lay him down this man and police coming.

Pros: But you notice something in the car when you took him out?

Wit: Inside, no it was ok, only windows down and everything inside was ok.

Adv: Cross, so when you arrived you found him in the car already he was inside what was he doing or sitting or standing?

Wit: Windows are down he was in the back seat when window came down sitting in the back seat he was just sitting and dashboard is open.

Adv: Was he asleep was he surprise when he saw you?

Wit: I am sure shouting open the other door going inside and searching things.

Adv: Did he, so you stopped by the door you were on the side of where was sitting or your friend?

Wit: One side was pushing the door me and i=other side is pushing,

Adv: So he doesn't get out?

Wit: Yes.

Adv: And then how did he come out?

Wit: Like Raja is coming.

Adv: So he remained in the car till Raja came?

Wit: Yes, Raja come and then coming out.

Adv: So he only came out of the car when Raja was down already?

Wit: Yes.

Adv: Who called Raja?

Wit: Naveed call Raja.

Adv: So while you both were holding the car Raja came and holding the car till he came out?

Wit: Yes.

Adv: When Raja came down what happened?

Wit: Only maybe 2 minutes coming down and open the door and like push.

Adv: And when you open the door how did you hold him from running away how did you keep him, you open the door?

Wit: No i did not open the door, Raja is open the door, and this man coem out and excuse them then I see everything is asking I ahve problems then I am going inside,

Adv: But did you hold him?

Wit: Raja is the holder why you are going inside why you windows open and you go inside.

Adv: And how was Raja holding him?

Wit: Like this gripping him.

Adv: And you and the other 2 men weren`t holding him?

Wit: Sometime I satrt grip him after coming the police Raja put down on the road and push him the back side and grip him alone Raja and I go on side.

Adv: So when Raja hold him how did he get the penknife you said at that time he got it out the penknife?

Wit: Maybe one time when he was holding yes.

Adv: And from where did he get the knife?

Wit: This one in his pocket.

Adv: Further Cross is being Reserved.

**Fil- 19 ta' Lulju, xehed l-ispettur Shamus Wookd izda t-traskrizzjoni ma hargitx Rega xehed hekk fil-25 ta` Lulju 2023.**

Qorti: Mela kif taf it-transcripts tax-xhieda ta` 19 ta` Lulju 2023 ma hargitx terga tghidilna jekk jogghbok dak ghedtilna dak in-nhar?

Xhud: Iva dak nhar jiena ipprezentajt zewg oggetti ipprezentajt affidavit ta` PS 379 Marco Saliba qiegħed immarkat DOK SW u qe narfu fl-atti u ipprezentajt ukoll mus li kien intuza f` dal-kaz.

Qorti: Ok, u qed tarfu hawnekk DOK SW1?

Xhud: Iva, u sinjura nixtieq nipprezenta xi haga ohra nixtieq nipprezenta ukoll pendrive li fih hemm zewg filmati ta` bodycams tal-pulizija li kienu marru fuq il-post dak in-nhar.

Qorti: Mela DOK SW2, Kontro Ezami Riservat.

**il-Kontro ezami tieghu saret fil- 21 ta' Awissu, 2023**

- Avu: Mela Spett tista tispjegalna dak in-nhar inti f' liema stadju kont involut meta gie arrestat?
- Xhud: Mela jiena meta l-imputat gie arrestat gejt infurmat mis-Surgent mal-arrest ma kontx prezenti.
- Avu: Ok u inti taf li ittiehed l-isptar?
- Xhud: Iva.
- Avu: Wara l-arrest ittiehed l-isptar?
- Xhud: Wara l-arrest ezatt wara li inaghtawlu id-drittijiet.
- Avu: Hu kien fi stat hazin medikament kif kienet is-sitwazzjoni?
- Xhud: Le ma kienetx fi stat kellu riha qawwija ta` alkohol u bhala prewkazzjoni haduh l-isptar ghall-osservazzjoni.
- Avu; Ok l-isptar meta invistawh it-tobba x`qalu fuqu?
- Xhud: Le le xejn allarmanti kien fi stat ta sokor biss.

Avu: Ghamlulu xi ricetta ta` pilloli jew xi medicina?

Xhud: Naf li ghandu pero ma gejtx infurmat hekk mill-isptar.

Avu: Ok mill-isptar haduh MountCarmel imma?

Xhud: Mill-Isptar umbaghad haduh il-lockup.

Avu: U f xi hin baghtuh MountCarmel?

Xhud: Minix aware li ittiehed Mount Carmel, jekk mar MountCarmel biex jiehu xi medicini pero minix aware ma niftakarx li ittiehed MountCarmel.

Avu: Issa meta kien l-isptar inti aware jekk ghamlulu xi prescription ta` medicina?

Xhud: Jien naf li kellu mal-arrest xi prescription ta certu medicini pero ma dhaltx fil-mertu jekk tawhx xi medicini extra jew xi prescription addizzjonali.

Avu: Imma l-isptar qalu li kien taht il-medication?

Xhud: Iva qaluli.



- Avu: U taf ghaliex kienet jekk kienx depressant jew xi haga ghandek xi idea?
- Xhud: Ma nistax nghid fic-cert pero minghalija kellu xi pilloli qawwijja kellu xi kundizzjonijiet peress li fil-passat kien drug user ukoll.
- Avu: Inti fl-istat li kien arrestat inti kont infurmat inti f`liema stadju rajtu kemm wara?
- Xhud: Jeina rajtu l-ghada tajtu cans il-mistrieh tieghu umbaghad rajtu l-ghada ghall-istatement.
- Avu: Ok u sa dak il-hin kien gie f`tieghu?
- Xhud: Kien gie f`tieghu kien jidher f`tieghu.
- Avu: Inti x`hin rajtu?
- Xhud: Kienu xil-11.00 ta` filghodu tal-ghada.
- Avu: U dak il-hin kien gie f`tieghu?
- Xhud: Iva.

Avu: U qallek hu dwar is-sahha tieghu?

Xhud: Iva qalli hu kien ga bil-caution meta beda jitkellem qalli li kien jiehu pirmlu qawwijn u qalli li kien xorob fuqhom.

Avu; Xejn izjed.

**Fit-8 ta` Awwissu, 2023. Akram S. Khalifa Kharir xehed hekk rigwardanti biss il-helsien mill-arrest tal-imputat :**

Avu: Tista tghidilna inti fejn toqghod l-indirizz tieghek?

Xhud: Hu bhala distrett B`Bugia ghandu l-Id card li skond l-Id Flt5, Triq Misrah Hamilkar Barka, B`Bugia.

Avu: Mela inti ghandek xi haga ohra x`turi li dan huwa l-indirizz tieghek?

Xhud: Din dokument tal-edukazzjoni bhala college hawnekk miktub din ittra li jien qed immur skola l-istess indirizz.

Qorti: Mela qed jezebixxi DOK AK.

- Xhud: Qed imur nistudja l-ingliz dan id-dokument partikolari tal-edukazzjoni tal-college l-istess indirizz.
- Avu: Mela inti min joqghod f' dan l-appartament apparti inti?
- Xhud: Jiena u xi tnejn minn nies.
- Avu: Inti, is-sinjur jekk ha jinaghta il-bail ha joqghod maghkom?
- Xhud: Iva ha nghinu ha nsiblu xoghol.
- Avu: Imma residenza ha joqghod mieghek f' dal-post?
- Xhud: Iva joqghod mieghi.
- Qorti: Ha nibdew minn hemm ghandi bzonn xi hadd minn tad-dipartiment biex xi hadd jixhed fuqu.
- Qorti: Kif tafu sinjur?
- Xhud: Dan Ans nafu bhala persuna fizikament mir-razza tieghi minn naha t'ommi ahna hemm ranta genituri ta` Ans u genituri tieghi huma qraba u nigu minn xulxin minn ta ommi.

Qorti: Imma konttafu minn qabel jew iltqajtu hawn minn Tripoli?

Xhud: Nafu minn Tripoli u nafu minn Malta ukoll

-imputat.

**Fid-19 ta` Lulju, 2023 Judith Bakoush xehdet hekk biss dwar t- talba ghall- helsien mill-arrest:**

Qorti: Strettament rigwardanti l-imputat Ans Abdullah Alghewizi ghandek xi tghid xi haga fuq xi post fejn jista jirrisjedi jekk jogghbok?

Xhud: Ha nzommu fid-dar tieghi.

Qorti: L-indirizz tieghek x`inhu?

Xhud: 60, flt 1, Old Hospital Street, Valletta.

Qorti: U dan jidher fuq l-Id number tieghek fuq l-id card?

Xhud: Fuq l-id card tieghi u t`ommi.

Qorti: Ha nara l-Id card?

Xhud: Imma l-id card mhux qegdha fuqi ghax haduwieli l-Magistrat Natasha Galea Sciberras u rrid immur naghmel ohra.

Avu: M`gahndekx xi kuntratt jew xi haga li juri li dik hija d-dar tieghek?

Xhud: Nircievi il-posta fuq ismi ghandi kif ircevejt karta mil-Labour Office dalghdu.

Avu: Mghandekx xi photocopy tal-id card jew id-dar?

Qorti: Photocopy mhux ha nimxu dottoressa.

Avu: Jew inkella xi driving license?

Xhud: M`ghandix.

Xhud: Imma jekk trid Sinjura ittujulu u ntik kelma jew meta trid ghada intellalek il-karti.

Qorti: Ma nistax nimxi hekk sinjura.

Avu: X`karti tista ittelali tista ittellgha il-kuntratt forsi li juri il-post huwa t`ommok?

Xhud: Il-post tal-Gvern imal-kera inhallasha jien ghax noqghod fih jien.

Avu: Imma ghandek xi karti li l-post huwa fuqek?

Xhud: Irrid ninzel u ntellahomlok ghada.

Avu: Trid iggibli xi karti tal-hlas tal-kera.

Qorti: U xi hadd tad-dipartiment jikkonferma uu.

Avu: Nirregola il-posizzjoni tieghi sinjura.

**Fil- 21 ta' Awwissu, 2023** l-istess xhud ezebiet vera kopja tal-karta tal-identita' taghha.

Illi gew ezebiti Dok SW1 fedina penali , dok SW2 Stqarrija SW3 kopja tal-kundizzjonijet tal-helsien mill-arrest, Dok SW4 Rapport u Dok SW5 Person Details fil-27 ta' Gunju 2023 .

Gie ezebit fl- 4 ta Lulju 2023 Dok A **affidavit ta' PC 1171 Clayton Mangion** fejn stqarr li fil-25 ta Gunju 2023 f'xi 23:40 dahal rapport gol-ghassa tal-Imsida li persuna kienet inqabdet qed tisraq u kien qed jinzamm. Hu u PS 379 M Saliba accedew fuq il-post Tower Road Msida fejn 4 irgiel kienu qed izommu ragel ma l-art. Fuq istruzzjonijiet ta' PS 379 m Saliba kien arrestit lil din il-persuna u tah id-drittijiet tieghu u wara li ikkonferma li jifhem bl-Ingiliz kien infurmah li kien taht arrest fuq attentat ta' serq. L-persuna giet identifikata bhala Algheziwi Ans ID 0178123A. Gie innutat li kien jidher fis-sakra jew taht l-influwenza ta' xi droga jew medicini. Xhieda ta' dan kien li kien qed jagixxi b'mof mhux normali . Kellhu fuqhu discharge letter tal Isptar Monte Carmeli . Wara dan il-persuna ittiedet L-isptar Mater Dei . Intuzaw il-Bodyworn Cameras.

Gie ezebit fid-19 ta' Lulju 2023 **affidavit ta' PS 379 M Saliba** fejn stqarr li fil-25 ta Gunju 2023 f'xi 23:40 dahal rapport gol-ghassa tal-Imsida li persuna kienet inqabdet qed tisraq u kien qed jinzamm. Hu u PC Clayton Mangion accedew fuq il-post Tower Road Msida fejn 4 irgiel kienu qed izommhu ragel ma l-art li irrizulta li kien Algheziwi Ans ID 0178123A. Stqarrew li dan il-persuna kien inqabad go vettura VGO010 ta' ghamla Mercedes. Hu kellew lil Robert Sis, Abdul Naveen u Ifra Khan Raja Ajaz Ahmed u Ajmal Munammasu li taw l-verzjoni taghhom tal-akkadut. Sid il-vettura kien Sabri Rezk li halla li vettura lil Khan

Raja Ajaz Ahmed sabiex jagħmel uzu minha. Algheziwi Ans gie arrestat fejn gie infurmat li kien jinsab taht arrest fuq attentat ta' serq. Ghaddielu letter of rights bl-Ingliż.

Kien fi stat ta' sakra u ittiehed Mater Dei.

## **Ikkunsidrat**

Illi x-xhieda ta' Robert Sils, Raja Ajaz Ahmed Khan, Abdul Naveed u Muhammad Irfan Ajmal juru bic-car li l-imputat Bil-ħsieb li jagħmel delitt wera dan il-ħsieb b'atti esterni u ta bidu għall-esekuzzjoni tad-delitt, liema delitt ma giex esegwit minhabba xi haga accidentali u indipendenti mill-volonta' tiegħu, u li kieku gie esegwit kien ikun delitt ta' serq ikkwalifikat bil-post u l-hin għad-dannu ta' Raja Ajaz Ahmed u/jew entitajiet oħra. Art. 41, 261(e)(f), 269(g), 270 u 281(b) Kap. 9. ai termini ta l-ewwel imputazzjoni. Specifikament, id-delitt ma giex ezegwit minhabba xi haga accidentali u indipendenti mill-volonta' tal-hati ( art 41 (1) (a) tal- Kap 9 tal-ligijiet a' Malt. Il-piena għanda titnaqqas fic-cirkostanzi b'gradi. (art 31(1) (c).

Illi mill-istess provi jirrizulta it-tieni imputazzjoni :Insulentajt, heddidt jew ingurjajt bi kliem jew b'mod ieħor lil Khan Raja Ajaz Ahmed detentur tal-karta tal-identita bin-numru. Art.339(1)(e) Kap.9.

Illi rigwardanti t-tielet imputazzjoni :F'lok pubbliku jew f'post miftuħ għall-pubbliku, kont fis-sakra b'mod li ma kontx tista' tieħu ħsieb tiegħek innifsek. Art.338(ff) Kap.9, kien hemm hafna opinjonijiet izda dawn kienu kollha provi fi grad ta opinjoni u ma kien hemm l-ebda prova ta' dan fil-grad rikjest mill-ligi.



Illi milli provi tidher ampjament ippruta r-raba' imputazzjoni li : Kiser il-kundizzjonijiet tal-liberta provizorja imposti fuqu mill-Qorti tal-Magistrati (Malta), preseduta mill-Magistrat Dr. Claire Stafrace Zammit LL. D, digriet datat 20/07/2021 f'dan li bih ingħata l-helsien mill-arrest taħt diversi kundizzjonijiet fosthom li ma jikkommettix reat ieħor. Art 579(2)(3).

Illi rigwardanti l- hames imputazzjoni talli irrenda ruhu recidiv ai termini tal-artikoli, 49,50 u, jew 289 tal-Kap 9 tal-Ligijiet ta' Malta liema sentenzi saru definittivi u ma jistawx jinbidlu din mhux ippruvata stante li ma giet ezebita l-ebda sentenza sabiex jigi ippruvat dan.

Illi ma jirrizulghax li inhatru esperti ai termini tal-Art 533 tal-Kap 9 tal-Ligijiet ta' Malta.

## **Decide**

Ghaldaqstant , wara li rat l-artikoli 31 (1)(c) 41, 261(e)(f),269(g), 270 u 281(b) Art.339(1)(e) Art.338(ff) 49,50 u, jew 289 art 533 579(2)((3) tal- Kap 9 tal-Ligijiet ta' Malta l-Qorti issib lill-Ans Algheziwi l-imputat mhux hati tat-tielet u hames imputazzjonijet u tilliberah mill-istess.

Issibu hati ta' l-ewwel u t-tieni imputazzjonijiet u tikkundannah kompleksivament ghal piena karcerarja ta' ghoxrin gurnata.

Issibu hati tar-raba' imputazzjoni , tirrevoka l-Helsien mill-arrest akkordat fl-20 ta Lulju 2021 Mil-Magistrat Dr Clair L Stafrace Zammit u u tordna li jihareg mandat ta' arrest fil-konfront tieghu u u li s-somma ta' hmistax il- elef ewro (15,000) jigu konfiskati favur il-Gvern ta' Malta rapprezentanti il-garanzija imposta fl-

istess digiriet. Inltre tikkundannah ghal piena karcerarja ta' erba' (4 ) xhur.

Ma hemm l-ebda spejjes ta' esperti li ghandhom jigu mhallsa .

Mill-piena karcerarja ghandha titnaqqas kwasijasi zmien li l-imputat ghadda taht arrest preventiv.

**DR. YANA MICALLEF STAFRACE LL.D.**

**MAGISTRAT**

**Doris Serpina Sciberras**

**Deputat Registratur**

