



Court of Magistrates (Malta) as a Court of Criminal Judicature

**THE POLICE (INSPECTOR RACHEL AQUILINA, INSPECTOR NICHOLAS VELLA) V.
SEAN DONALD JENKINS (ID. 286742A)**

MAGISTRATE: DR. VICTOR G. AXIAK

30/04/2024

THE COURT,

Having seen the charges proffered against the accused:

To. Sean Donald Jenkins ID. 286742A

Born : Ireland. 11/06/1998.

Residing : 52 'Paloma Crt' Flt.2, Triq Il-Merill, Mosta.

As you have been charged that on the 8th of July 2022 at about 14.45hrs in the whereabouts of Ta' Qali, limits off Attard, and elsewhere in these islands, you drove motorcycle make 'MASH' registered with registration number ECH596.

(1). You altered, rearranged or defaced a vehicle registration mark on a motor vehicle or otherwise tampered with the registration plates of a motor vehicle. (Sec.44(4) LS.368.02)

(2). You made use of a motor vehicle registration mark other than tha allotted by the authority in relation to a particular vehicle, thus you made use of other registration number plate 201-D 3945. (Sec 44(5) LS.368.02)

(3). You drove the mentioned motor cycle with a vehicle licence altered, defaced, mutilated or added to or with a licence belonging to another vehicle, thus you made use of a vehicle licence issued on another vehicle with registrastion number JBR961 (Sec.44(7)(b) LS.368.02)

Having considered the testimony that was produced, that is, the testimony of EO 337 (*affidavit*), and Stephen Cachia on behalf of Transport Malta (*affidavit*);

Having seen all the acts of the case;

Having heard final submissions made by the Prosecution and the Defence;

Is giving the following

Judgement

From the affidavit of **EO 337 Christopher Grech** it results that on the day, at the time and in the location indicated on the charge sheet the accused was stopped by the said enforcement officer whilst driving a Black Mash motorcycle with registration number 201-D 3945 since it had a Maltese circulation license affixed on its left side. Upon further inspection by the said officer it resulted that the circulation license displayed on the motorcycle (JBR 961) did not correspond to that vehicle but belonged to a different vehicle (a Honda Civic) as the motorcycle in question was registered as ECH 596. Both the road license and the insurance were expired.

From the affidavit of **Stephen Cachia** (Transport Malta) it results that on the date in question the said motorcycle with registration number ECH 596 was registered in the name of the accused – having been so registered since 15th February 2022 – while it was garaged between 9th February 2022 and 17th May 2023 when it was de-garaged. It also resulted that license JBR 961 was issued on a vehicle of the make Honda Civic, registered in the name of Leonid Kurevlev (ID. 276738A) – having been so registered since 30th July 2021 – and it was scrapped on the 12th May 2023.

First charge

The first charge has not been proven given that no evidence was submitted showing that the accused altered, rearranged, defaced or tampered with the vehicle registration mark or registration plates of the vehicle in question.

Second charge

The second charge, that is the use of a motor vehicle registration mark other than that allotted by Transport Malta to the vehicle in question (second charge) was admitted by the accused in open court.

Third charge

The third charge, that is the driving of the same vehicle with a vehicle license belonging to another vehicle, was also admitted by the accused in open court. The applicable penalty results from Regulation 44(7) of Subsidiary Legislation 368.02. As has been held by the Court of Criminal Appeal on numerous occasions, the penalties under Regulation 44(7) of S.L. 368.02 cannot be applied by Court as the fines established therein are neither classified as *multa* nor as *ammenda*. Therefore the accused cannot be found guilty of this charge even though he admitted to it.

Decision

For the abovementioned reasons, the Court acquits the accused of the first and third charges and having seen the relevant article of the law (Subsidiary Legislation 368.02, Art. 44(5)) finds him guilty of the second charge upon his admission and fines him the amount of five hundred euro (€ 500).

**V.G. Axiak
Magistrate**

**Y.M. Pace
Dep. Registrar**