

The Court of Magistrates  
(Court of Criminal Judicature)  
Magistrate Dr. Monica Vella LL.D.; M.Jur.

The Police

Vs

Neculai Dogaru

Rabat District Sitting

Today the 24<sup>th</sup> July 2024

The Court,

Having seen the charges presented by the Executive Police against:

**Neculai Dogaru** of 44 years, born Galati Romania, on the 14/11/1977,  
residing at 20, Santa Rita, Triq San Pietru, Mgarr Malta ID:48505A<sup>1</sup>

Accused with having on the 21<sup>st</sup> November 2021 and 22<sup>nd</sup> November  
2021 between 23:45hrs and 00:30hrs in Ghajn Kajjet, Rabat Malta:

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<sup>1</sup> Folio 1 of the file.

1. At night disturbed the repose of the inhabitants by rowdiness or bawling or in any other manner.

Having seen that the accused informed the Court that he does not understand the Maltese Language and thus the Court appointed Dr. Maria Azzopardi to translate everything that was happening in Court from the Maltese to the Italian language and vice-versa for the benefit of the accused.<sup>2</sup>

Having seen all the acts of the case.

Having heard the witnesses brought forward.

Having heard the submissions of the parties.

Having seen that the case was put off for judgement for today.

### **Considered:**

### **Facts in Brief**

The case relates to an anonymous report whereby the caller claimed that on the 21<sup>st</sup> November 2012 at around 23.45 hrs a person involved in a traffic accident was making a lot of noise at Rabat. The police called on site and found the accused agitated and shouting.

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<sup>2</sup> Folio 10 of the file.

## **Evidence**

**PC 986 Paul Spiteri** gave evidence through an affidavit and reported that on the 21<sup>st</sup> November 2021 the police received a phone call that at Ghajn Kajjiet Road, Rabat there was a traffic accident and that the person involved was shouting and disturbing the public peace and order.

The officers repaired on site and found the accused who was agitated and shouting. Charges were issued.

**PC 996 Nicole Camilleri** gave evidence through an affidavit and reported that on the 21<sup>st</sup> November 2021 the police received a phone call that at Ghajn Kajjiet Road, Rabat there was a traffic accident and that the person involved was shouting and disturbing the public peace and order.

The officers repaired on site and found the accused who was agitated and shouting. Charges were issued.

## **Considered:**

The accused did not bring forward any evidence to challenge the only charge issued against him. His only defence is that since the charge was issued in the Maltese and the English language then, he should be acquitted.<sup>3</sup>

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<sup>3</sup> There is no contestation regarding Folio 8 of the file in terms of S.L. 9.22 Method of Service of Judicial Acts Regulations.

**Considered:**

Article 5 of the Constitution of Malta reads as follows:

5. (1) The National language of Malta is the Maltese language.

(2) The Maltese and the English languages and such other language as may be prescribed by Parliament (by a law passed by not less than two-thirds of all the members of the House of Representatives) shall be the official languages of Malta and the Administration may for all official purposes use any of such languages:

Provided that any person may address the Administration in any of the official languages and the reply of the Administration thereto shall be in such language.

(3) The language of the Courts shall be the Maltese language:

Provided that Parliament may make such provision for the use of the English language in such cases and under such conditions as it may prescribe.

(4) The House of Representatives may, in regulating its own procedure, determine the language or languages that shall be used in Parliamentary proceedings and records.

Article 21 of the Code of Organisation and Civil Procedure (COCP) Chapter 12 of the Laws of Malta states the following:

21. (1) The Maltese language shall be the language of the courts and, subject to the provisions of the [Judicial Proceedings \(Use of English Language\) Act](#), all the proceedings shall be conducted in that language.

(2) Where any party does not understand the language in which the oral proceedings are conducted, such proceedings shall be interpreted to him either by the court or by a sworn interpreter.

(3) Any evidence submitted by affidavit shall be drawn up in the language normally used by the person taking such affidavit. The affidavit, when not in Maltese is to be filed together with a translation in Maltese, which translation is furthermore to be confirmed on oath by the translator.

**Considers:**

In view of the above, the Court firmly believes that all the requirements stipulated in the relevant articles of the Constitution and the Code of Organisation and Civil Procedure have been satisfied. The Court also appointed an interpreter to translate the proceedings to the accused native language which seems to be, as declared by himself, Italian.

**Considers:**

As to the merits of the case, the Court believes that it can rest on the sworn declaration of the two police officers involved and therefore, in view of the same deems that the accused is guilty of the charge brought against him.

**Decides.**

Thus, the Court, having seen article 338(m) of Chapter 9 of the Laws of Malta finds the accused **NECULAI DOGARU GUILTY** as charged and condemns him to a fine of fifty Euro (€50).

Dr. Monica Vella LL.D., M. Jur.

Magistrate

Annalise Mifsud

Deputy Registrar