



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

Magistrate Dr. Yana Micallef Stafrace LL.D.

The Police

(Inspector Charlotte Curmi)

Vs

Suyan Magar

28th October 2024

The Court

Having seen the charges against Sujun Magar daughter of n/a born on the 01/04/1993 residing 75, Dolphin Court, Fl 4, Triq l-Imhar, San Pawl il-Bahar ID NO 186766A.

As you have been charged with having on the 22nd December, 2021 at about 18.00 hrs in Balal Road, San Gwann limits of Naxxar drove vehicle with registration no JCH 043.

1. In a dangerous manner;
2. And drove the mentioned vehicle in a negligent manner;
3. And drove the mentioned vehicle in a reckless manner;
4. And also drove the mentioned vehicle or any other vehicle without a driver's license;

5. And also drove said vehicle without a policy of insurance or such security in respect of third party risks;
6. 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 SAB 619 and caused involuntary damages to the detriment of Sabrina Agius.

The Prosecution requests that the mentioned person be disqualified from all his driving licenses.

The Court is humbly requested that in case of guilt, also deducts points from the driving license, as indicated in S.L. 65.18 Art 36B and in S.L. 65.18 Sixth Schedule.

Having seen Articles 15(1)(a)(2) Chap 65 article 3(1) of chap 104 article 328(d) Chap 9 S.L. 65.18 Art 36B and i S.L. 65.18 Sixth Schedule of the laws of Malta

Having seen all the witnesses produced by the prosecution

Having seen that the accused chose not to testify

Having seen all the documents, testimony and evidence in the proceedings

Having seen the Oral submissions

Considerations of this court

Sabrina Agius indicated that she could not identify who was driving the vehicle JCH043 at the time of the accident

PS 1021 Christian Cauchi gave testimony by means of an affidavit.

Stephen Cachia gave testimony by means of an affidavit

Considerations of this court

There is no clear indication from the evidence as to whom was driving JCH 043. Sabrina Agius was not able to identify the driver and the caution as to the right to not give evidence in order not to incriminate oneself was not given . In the circumstances the level of proof “beyond reasonable doubt” was not reached and therefore the accused is not guilty of any of the charges

Decide

For these reasons and after having seen Articles 15(1)(a)(2) Chap 65 article 3(1) of chap 104 article 328(d) Chap 9 S.L. 65.18 Sixth Schedule. of the laws of Malta

finds the accused Sujan Magar is not guilty of the charges.

Magistrate Dr Yana Micallef Stafrace LL.D.

Magistrate

Doris Serpina Sciberras

Deputy Registrar