



Qorti tal-Magistrati (Malta)
Bhala Qorti ta' Gudikatura Kriminali
Magistrat Dr. Yana Micallef Stafrace LL.D.

Pulizija

(Spettur Charlotte Curmi)

Vs

George Fava

Illum 25 ta' Novembru, 2024

Il-Qorti

Rat l-imputazzjonijet fil-konfront ta' George Fava, bin Anthony u Josephine nee' Azzopardi imwieled fil-21/01/1947 u joqghod Fava, Fl 1, Triq il-Mosta, San Pawl il-Bahar. ID 0093347M.

Billi int akkuzat talli fis-16 ta' Awwissu, 2023 ghall-habta ta' 09.07 hrs f'Triq San Pawl, San Pawl il-Bahar, kantuniera ma' Triq Parades, San Pawl il-Bahar soqt vettura b'numru ta' registrazzjoni ICD 814.

1. U b'nuqqas ta' hsieb u bi traskuragni jew b'nuqqas ta' hila fl-
arti jew professjoni jew b'nuqqas ta' tharis tar-regolamenti,
involontarjament ikkagunajt offiza gravi fuq il-persuna ta'
Emanuel Chetcuti minghajr il-konsegwenzi imsemmija fl-artiklu
218 tal-Kapitolu 9 tal-Ligijiet ta' Malta skond kif iccertifika Dr.
Kristen Gauci MD mill-MDH, Kap 9 Art. 826(1)(b)
2. Talli meta kont involut f'incident tat-traffiku ma' vettura, u
inqast li tieqaf u meta kien mehtieg inqast li taghti l-
partikolaritajiet tieghek u d-dettalji tal-vettura li kont qed issuq
kif mitlub bil-ligi u/jew inqast li tirraporta l-imsemmi incident
lill-Pulizija jew Gwardjani Lokali L.S. 65.11 MVR 67(1)(5)
3. Talli soqt vettura bl-imsemmija vettura b'manjiera traskurata,
Kap 65 Art 15(1)(a)(2).
4. Talli soqt vettura bl-imsemmija vettura b'manjiera perikoluza,
Kap 65 Art. 15(1)(a)(2).
5. Talli soqt vettura bl-imsemmija vettura b'manjiera bla kont,
Kap. 65 Art. 15(1)(a)(2).
6. Waqt li kont qed issuq l-imsemmija vettura bil-mutur, inqast li
tnaqqas l-ispeed u tieqaf u taghti d-dritta lill-vetturi ohra kif
hemm indikat b'sinjal tat-Traffiku li jindika 'Give Way', LS
65.05 Artiklu II E(b).
7. Talli ksirt il-paci pubblika u l-bon ordni bl-ghajjat u/jew glied
u/jew b'xi mod iehor. Kap. 9 Art. 338(dd).

Il-Prosekuzzjoni titlob li tigi skwalifikat/a mill-licenzji kollha tieghek
tas-sewqan.

Il-Qorti hija gentilment mitluba li f'kaz ta' htija minhabba li tinfliggi
il-piena skont il-ligi, tnaqqas il-punti mill-licenzji tas-sewqan hekk kif
stabbilit mill-L.S. 65.18 Art 36B u fil-65.18 Sitt Skeda.

Rat l-artikoli 15(1)(a) (2) tal Kap 65 u Artikolu 226(1)(b) 338(dd)
tal-Kap 9 LS.11MVR 67 (1)(5) LS65.05 Art 11 E(b) L.S. 65.18
Art 36B u fil-L.S. 65.18 Sitt Skeda tal-Ligijiet ta' Malta

Semghet ix-xhieda kollha prodotta mill-Prosekuzzjoni.

L-imputat ghazel li ma jixhidx.

Rat l-atti kollha u x-xhieda u dokumentazzjoni kollha prodotta .

Semghet it-trattazzjoni.

Ikkunsidrat

PS 448 Clive Abela xehed permezz ta' affidavit

T-Tabib Kristen Gauci xehed permezz ta' affidavit

Stephen Cachia xehed da parti ta' Transport Malta

Zsofia Zammit, xehdet hekk

Pros: Ms. Zammit you were contacted with the you contact. You were contacted by the police with regards something?

Xhud: Yeah, traffic accident, yes.

Pros: Can you tell us what happened on the day and the time?

Xhud: The date, I don't really remember to be honest but it was quite far. But it was early morning because I have just opened the shop.

Pros: Which shop please?

Xhud: A&B Party Paradise it`s party shop in St. Paul`s Bay in Triq San Pawl.

Qorti: It`s in a corner?

Xhud: It's exactly in the corner yes.

Pros: Can you mention again the names of the streets?

Xhud: Triq San Pawl and Triq Parades, I opened. I heard a big clash and shouting and swearing I looked out because my window is quite big so I can see everything clearly, and there was a middle-aged lady and and all the men trying to limp away from the middle of the street I went there to help.

Qorti: Did you see the accident happen?

Xhud: The accident happened exactly, no, I just saw the man passing by the but I have parking cars front of the shop so the road I don't see I see the man passing, I see the car coming, who waited, waiting until the lady.

Qorti: What do you mean waiting I'm not understanding?

Xhud: Because it is a stop sign.

Qorti: Where is the stop sign?

Xhud: On from Triq Parades coming continuously to the centre of the city.

Qorti: So she stopped on the stop sign?

Xhud: The driver stopped on the stop sign.

Qorti: Which driver, the woman or the man?

Xhud: Man, there was no woman driver. There was 2 passenger on the street, a lady and the man from my shop to the other side, direct from this side. You're going there.

Qorti: OK, and he was driving on?

Xhud: And the driver was coming from this side,

Qorti: I'm not understanding the driver he stopped on a stop sign?

Xhud: Yes driver stopped on the stop sign.

Qorti: In front of your shop?

Xhud: Opposite side.

Qorti: So he was opposite to you?

Xhud: Yes.

Qorti: The street was opposite to you you mean because I have no sketch?

Xhud: So try to imagine that there's San Pawl is straight coming like this and Triq Parades is where is my shop it's like this. It's a T, there is a stop sign for the cars coming on one way because this road is one way and that their cars are coming from here.

Qorti: So who has to stop?

Xhud: The car who is coming from this way and if he wants to turn to some Parades, has to stop on the stop sign.

Qorti: Ok and your shop is opposite corner?

Xhud: Exactly right, so the car was parking and two passenger was passing which is actually not a work passing zebra cross or something, but they were passing. The lady passed and the men shouted up.

Qorti: I'm not understanding who because he had the more not hit them, he hit them or didn't hit them?

Xhud: No, the lady, he he waited that the lady passed. But I think.

Qorti: She passed in front of him?

Xhud: Exactly and behind her there was someone else but I think he was more focusing on the lady and he just keep on going after the lady.

Qorti: But you saw him do this or, what did you see actually?

Xhud: Actually, the shouting, the swearing. Then he was telling him to go down from the street, which he miskin, he couldn't manage I had to go and help him because he couldn't he was limping so much I could I had to get him a chair.

Qorti: Who`s him the person who was hit you mean?

Xhud: Yes.

Qorti: So when you went out, you saw the car just off stop I'm assuming?

Xhud: He was still there.

Qorti: Because if he moved, yeah, I'm assuming I don't know, the woman from what they told you arrived at this conclusion, Yes, you didn't see anything?

Xhud: The accident that was hit no.

Qorti: You saw someone hit and these people told you this is how it happened, but you didn't actually see the accident?

Xhud: No.

Qorti: Ok.

Pros: And do do you recognise the person that was shouting?

Xhud: To be honestly, I don't think so it was so long time ago and he was sitting in the car until I get to there I remember the car colour, it was silver. It was a smaller type of car It was an old man, I know, but I don't know if it was bold or not I was more focusing on the victim, you know, because he was in pain.

Pros: If if I tell you to have a look in the hall?

Xhud: I wouldn't tell you 100%.

Pros: No further questions.

Qorti: Cross?

Avu: I will reserve.

Ikkunsidrat

Il-livell ta' provi fil-kamp kriminali hu "beyond a reasonable doubt". Dan il-livell ma intlahaqx f'dawn il-proceduri. L-uniku xhud Zsofia Zammit ma raghtx l-incident isehh. Mal-pulizija George Fava stqarr li hu ma tajjarx lil Emanuel Chetcuti. Mid-Dok B1 u B2 u Dok C ma kienx possibbli li jigi verifikat d-dinamika tal-incident ukoll peress li f'Dok C ma kienx possibbli jigi irrintracat il-mument ppreciz tal-incident. Isegwi li l-imputazzjonijiet kollha mhux ippruvati fil-livell rikjest.

Decide

Ghal dawn il-motivi wara li Rat l-artikoli 15(1)(a) (2) tal Kap 65 u Artikolu 226(1)(b) 338(dd) tal-Kap 9 LS.11MVR 67 (1)(5) LS65.05 Art 11 E(b) L.S. 65.18 Art 36B u fil-L.S. 65.18 Sitt Skeda tal-Ligijiet ta' Malta ma ssibx lil George Fava hati tal-imputazzjonji fil-konfront tieghu u tilliberah minn kull htija u piena.

DR. YANA MICALLEF STAFRACE LL.D.

MAGISTRAT

Doris Serpina Sciberras

Deputat Registratur

