



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

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

Pulizija

(Spettur Charlotte Curmi)

Vs

Gabriel Saliba

Illum 11 ta' Dicembru, 2024

Il-Qorti

Rat l-imputazzjonijiet fil-konfront ta' Gabriel Saliba bin Jason (Anthony) u Maria Dolores nee' Gatt imwieled fil-10/04/2023 u joqghod 219, Dove's Court, Fl 1, Triq San Anard, Tarxien, ID 0135003L.

Billi int akkuzat talli fit-22 ta' Gunju, 2023 ghall-habta ta' 16:00 hrs Triq Hal Tarxien, Zejtun soqt vettura b'numru ta' registrazzjoni CEF 365.

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' Stephen Ready minghajr il-konsegwenzi msemija fl-artikolu 218 tal-Kapitolu 9 tal-Ligijiet ta' Malta skond kif iccertifika Dr. Carina Debattista MD mill-MDH. Kap 9 Art. 226(1)(b).

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- Artikolu 226(1)(b) tal-Kap 9 L.S. 65.18 Art 36B u fil-65.18 Sitt Skeda. tal-Ligijiet ta' Malta.

Rat ix-xhieda prodotta mill-Prosekuzzjoni;

Rat x-xhieda tal-imputat;

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

Semghet it-trattazzjoni;

## **Ikkunsidrat**

**PS 462 D Farrugia** xehed permezz ta' affidavit

Fis-seduta tat-13 ta' Marzu 2024 id-difiza iddikjarat bla pregjudizzju li l-griehi sofferti da parti ta' Stephen Ready kienu ta' natura gravi minhabba t-trapass ta' xahar

**Stephen Ready**, xehed hekk

Pros: Stephen, you were involved in an accident?

Xhud: Yes.

Pros: Can you tell us where it happened, when and the dynamics of the accident?

Xhud: On the 22<sup>nd</sup> June 2023, I was driving I don't know the name of the street It's in going towards Paola.

Pros: What were you doing?

Xhud: I was driving along the street, heading towards Zabbar.

Pros: What were you driving, sir?

Xhud: An electric scooter and there was a hill going up. And when I got over the hill and started going down the hill, there was three cars stationed on the right side of my lane and as I approached, because they were stationary, I approached on the inside because there was plenty of room to continue traffic and I get by As I get over the hill, I was going down towards when I was going over the hill, on the way down the hill, there was three vehicles stationary on the right side of the road Because one was turning It was a cross junction and one was going to turn to the right so as I approached it, there was plenty of road for me to go by on the scooter and as I get by the vehicle number one, it was

fine I vehicle number two and it suddenly swung out and hit my motorbike.

Qorti: They were driving?

Xhud: No, they were stationary.

Qorti: But they were on the road or were parking?

Xhud: They were on the road in the middle of the road because the first vehicle was going to turn right and there was two waiting behind him.

Qorti: he is exhibiting DOC SR.

Pros: What is that sir?

Xhud: It's a plan of the road to illustrate clearly as I was approaching.

Pros: Who did it, who drew that sir?

Xhud: I drew it to try and explain better it is a sketch of the road.

Qorti: And then the photos you took yourself?

Xhud: I done it myself yes because when transport motor came to the scene, the person had already moved his vehicle out the way I left my motorbike on the road.

Qorti: And the blue arrow is you?

Xhud: The blue arrow is me going up and as I said,

Qorti: And those cameras photos are of the road layout not at the time of the accident?

Xhud: No the photos are just samples to show the road what it looks like what the road looks like because the warden said he could not take photographs because the vehicle has been moved.

Qorti: Yes, that's what they do.

Pros: Can you explain every photo, sir?

Xhud: The one on the top right photo number one is a picture from the scene going down the hill So that's what my view and I had a clear pathway It shows the width of the road.

Qorti: When you said that they were going to the first one was going to the right Do you have a view of the right?

Xhud: Like that van is going to turn to the right this is not the scene of the day.

Pros: Mark it please with an arrow.

Qorti: I want you to show me the side road that the first car was indicating I need to know the road though you said that the car was going to indicating to go to the right which is the road you said to the right?

Xhud: The road to the right takes you to St.James's Hospital.

Qorti: I know but where is it? Is it on that photo or not?

Xhud: On here so these cars are turning around here. This is a sample of the white plan going to turn this way to the and this shows you that enough space for a motorbike to pass by safely I'm just illustrating the width of the road shows that car can pass by safely.

Qorti: Is that one way?

Xhud: No, just two way because traffic was coming up this side so this car was parked by the car.

Pros: Can you give us more details with regards to the second photo?

Xhud: The second photo is where he moved the car he moved the car around the corner from where the tree is. There's a road runs parallel to here and a street going that way. He moved his car from here and drove up that street and he parked it further up the street.

Qorti: So photo 3 was taken on that day?

Xhud: Photo three was on that day, yes.

Qorti: Taken by whom photo 3 was taken by whom?

Xhud: Was taken by me on that day.

Pros: What did you write down at the bottom can you explain what did you write down?

Xhud: That he was not even wearing shoes when he was driving, but he put them on when he before the warden arrived.

Pros: What is photo four?

Xhud: Photo four is my app for my electric scooter, And it tells me I was doing going down, because down the hill I was doing 35 and a 40 zone So I wasn't speeding or anything that was the speed I was coming down the hill at.

Pros: Photo five?

Xhud: Photo five is the damage to the right side of my scooter.

Pros: And photo six?

Xhud: Photo six is the damage to his car, the bumper.

Pros: With regards to the guy who was in photo two, do you recognise him here in the hall?

Xhud: Yes.

Qorti: Ix0xhud indika lil imputat.

Pros: Do you remember him driving the car?

Xhud: Yes.

Pros: Go ahead with what you remember, What happened?

Xhud: Well, as I was going down by, I broke past vehicle number three, which was stationary then I was going by vehicle number two, then all of a sudden the vehicle swung round and hit me and making me turn and go down on my right side and I fall down and I lay in the middle of the junction so I don't know why all of us why he was stationary when



I was passing by him so was vehicle number three. They were all stationary and I say I had enough space to drive down and all of a sudden he swung the front of the car.

Pros: Afterwards What happened, sir?

Xhud: It took about a minute or so time I got up because I did not move to I made sure I was nothing actually broken because people were trying to let those people around me, trying to lift me up and then I said, leave me a minute till I make sure there's nothing broken.

So I moved my hands, my feet, and then I stood up. and then by that time, I'd noticed his car was already moved away from the scene and I said,

Qorti: Was something broken?

Xhud: No, I fractured my right shin bone.

Qorti: How long did that take to heal?

Xhud: I was in 13 weeks.

Pros: And initially, on this, whatever impact, who called initially there?

Xhud: From falling off the motorbike as officers who called there?

Qorti: Who called the police?

Xhud: The police were not involved at first I spoke to the warden because the warden came I spoke to the warden so then it was afterwards, on the way, after I done my report to the warden, I went to my insurance company, and by that time, I could barely walk and my insurance company said to me to go to the polyclinic in Paola and check to see if my leg is okay.

Pros; How much time elapsed from that moment?

Xhud: About an hour, an hour and a half, because someone came to pick me up and then took me there because I couldn't drive and I went to the polyclinic and they'd done x-rays and they said that it was inconclusive I had to then phone the primary care on Tuesday or Wednesday to see they were going to send the x-ray they'd done at the polyclinic to see if there's a possible fracture. And so they just told me not to stay off my leg so I then phoned them I phoned the primary care and they said, yes, there's a fracture come up to Mater Dei straight away So I went to Mater Dei and got it scanned and then they put the brace on my leg and also with Physio It was then after that, I went to the police to see what my insurance told me to go to make a police report. And I was told I'd have to get a police medical certificate done from the hospital. And the person, the doctor at the time after doing that was in holiday. So it

took a long time to get between that, getting the certificate, everything else, because there was a video camera from the house at the corner, at the scene she was willing to give me the video. But when the police, the time I got the certificate and everything it was overwritten, The police went to check it was overwritten.

Pros: I don't have any further questions, your honour.

Avu: So, sir, let's start from photo two which is this one the sketch you prepared am I right to say that this gentleman's vehicle is marked as vehicle two?

Xhud: Yes.

Avu: So, with regards to vehicle one, which is in front of this gentleman's car, was it stationary because it intended going on to the left?

Xhud: With traffic coming so he was stationary, so he could not turn.

Avu; So am I correct to say that he was stationary because he was waiting the car in front of him to move?

Xhud: Yes.

Avu: So this sketch shows that you were coming from behind, is that right?

Xhud: Yeah.

Avu: And is it correct to say that you overpassed this vehicle number two from the inside, from the left hand side?

Xhud: Yes, the arrow states are but there was enough space to do so on the road.

Avu: Do you remember whether this vehicle number two had an indicator showing that it was turning onto the left?

Xhud: No, not when I passed it.

Avu: Do you remember that the indicator was lit going to the left?

Xhud: No. There was no indicator when I passed.

Qorti: Which vehicle are we talking about the first or the second vehicle?

Avu: Vehicle number two.

Avu: With regards now to photo number six, what does that show are you sure that these show the dents which are a result of this impact?

Xhud: That was the only damage on the car.

Avu: Am I right to say that there was no impact at all between your motorcycle and the vehicle?

Xhud: There was impact.

Avu: Thank you.

**Gabriel Saliba**, xehed hekk :

Avu: Mela Gabriel fil-qosor ara ghadek kemm smajt ix-xhieda  
Mela gabra fil-qosor kif x'gara dakinhar tat-22 ta' Gunju?

Xhud: Jiena kont għaddej fi triq.

Avu: F' liema triq?

Xhud: Triq San Anard ħal-Tarxien kont sejjer lejn id-dar dritt  
indur go side street fuq in-naħa ta' lemin xgħelt l-indicator  
biex indur fuq in-naħa tal-lemin u malli kont ħa ndur kien  
hemm karozza wieqfa quddiemi ovvjament stennejtha u

malli imxiet kont se ndur imbagħad malli ezatti dort smajt bumm jiena ħriġt minn ġol-karozza u rajt lilu mal-art għidtlu jekk hux kollox sew qalli iva tini minuta imbagħad wara ressaqt il-karozza mbagħad ġew waqqfu xi nies ukoll biex jgħidulu jekk hux kollox sew qalilhom iva kollox sew kien hemm pulizija pajżan m'għandhiex in-numru tiegħu imma hemm ukoll qallu hekk għandu bżonn xi għajnuna qallu xejn.

Avu: Fuq l-liwja fuq il-linja jekk inti għandek it-triq quddiemek hekk fuq liema naha inti kont qed iddur?

Qorti: Kemm il-Lane hemm hemmekk?

Xhud: Hemmekk wahda biex tmur naha u wahda biex tmur ohra.

Qorti: U meta kif qed tghid int qabzek on your left or on your right?

Xhud: Fuq in-naha tal-passiggier.

Avu: Daqshekk domandi.

Pros: Kien hemm xi karozzi ipparkjati hemmekk?

Xhud: Mhux karozz ipparkjati karozza li triq trid tagħddi minn go fiha il-karozzi qeqfin bit-traffic.

Pros: Kemm il-karozza kien hemm?

Xhud: Ma qadtx noqghod noghddhom l-karozzi imma ovja kienet dik triq traffikuża triq prinċipali.

Pros: F'liema mument smigh tal-ħoss inti?

Xhud: Malli kont se ndur jiena smajt boom għax inzertajt li kelli tieqa miftuħa wkoll smajt bumm malli nżilt iċċekkja hawn ħarist u rajt lilu mal-art.

Avu: Meta tgħid kellek vetturi quddiemek?

Xhud: Kienu qegħdin f'nofs it-triq normali huma kienu qegħdin jistennew il-prijorità tagħhom biex isuqu.

Pros: Xi ħin rajtu l-mutur inti?

Xhud: Le jien ma rajtux il-mutur jien ħarist normali imxejt l-indicator u eżatt malli kont se nikser smajt ħoss bumm kif għedtlek nżilt u rajtu malajr.

Pros: M'għandhiex mistoqsijiet sinjura ġudikant.

## **Ikkunsidrat**

Hemm kunflit serju fil-verzjoni tal-partijiet rigwardanti l-incident. L-imputat jallega li kien hemm lane wahda involuta fl-incident filwaqt li x-xhud Stephen Ready jallega li kien hemm tnejn. Il-kwistjoni tan-numru tal-lanes hi essenzjali stante li hekk hemm lane wahda biss dan jindika li l-imputat ma kellhux htija f' dan l-incident. Din il-kwistjoni tal-lanes mhux cara mix-xhieda prodotta. Dan ifisser li ma hemmx l-livell ta' provi rikjest fil-kamp kriminali u bhekk ma tisghax tinstab htija fl-imputat.

## **Decide**

Ghal dawn il-motivi wara li rat l-artikolu 226(1)(b) tal-Kap 9 L.S. 65.18 Art 36B u fil-65.18 Sitt Skeda. tal-Ligijiet ta' Malta.

ma ssibx lil Gabriel Saliba 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**