



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

Magistrat Dr. Yana Micallef Stafrace LL.D.

Pulizija

(Spettur Diane Vella)

Vs

Pauline Marie Chetcuti

Illum 20 ta' Jannar, 2025

Il-Qorti;

Rat l-imputazzjonijet fil-konfront ta' Pauline Marie Chetcuti, bin Joseph u Philippa nee Ferranti imwiielda fil-19/02/1988 u joqghod Southridge gap Block B, Apt 22, Triq id-Deru, Mellieha, ID 119588M.

Billi int akkuzat talli fil-12 ta' Jannar, 2023 ghall-habta ta' 08.10 hrs Tul il-Kosta, Naxxar soqt vettura b'numru ta' registrazzjoni FCR 415;

1. U altar talli 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 (griehi) gravi fuq il-persuna ta' John Denver Carino Azupardo ID 342597(A) minghajr il-konsegwenzi msemminj fl-artikolu 218 tal-Kapitolu 9 tal-Ligijiet ta' Malta skond kif iccertifika Dr. Jordy Borg MD mill-MDH Kap 9 Art. 226(1)(b)
2. Soqt vettura tal-ghamla Mazda Demio bin-numru tar-registrazzjoni FCR415 b'manjiera traskurata, Kap. 65 Art 15(1)(a)(2);
3. Soqt vettura tal-ghamla Mazda Demio bin-numru tar-registrazzjoni FCR415 b'manjiera bla kont, Kap. 65 Art. 15(1)(a)(2)

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

Rat l-artikoli 226(1) (b) Kap 9 15(1)(a)(2) tal-Kap 65 L.S. 65.18 Art 36B fil-L.S. 65.18 Sitt Skeda tal-Ligijiet ta' Malta

Rat 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.

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

Ikkunsidrat

Dr Karl Cutajar, Dr Jody Borg u PS 918 C Azzopardi xehdu permezz ta' affidavit

John Denver Carino Azupardo, xehed hekk

Pros: Kien involut f' xi inċident?

Xhud: Iva.

Pros: Jgħidilna meta fejn u kif, ha nagħmel referenza ritratti.

Xhud: L-inċident sehh Baħar iċ-ċagħaq Bus Stop.

Qorti: Id-data jafha?

Xhud: Jannar 12 ta` 2023.

Pros: L-accident hemm sar?

Xhud: L-aċcident sar jekk tippermettuli bil-biro DOK C1.

Pros: C3 fejn jiftakar li kien ezattament meta gara l-incident?

Xhud: Huwa qed jgħid illi kien qiegħed jistenna biex id-dawl jiġi aħdar u li huwa C3.

Pros: Il-karozza jiftakarha li laqtitu?

Qorti: Jiġifieri l-karozza telgħet fuq il-bankina?

Xhud: Iva qed naraf il-karozza d-dokument huwa C8.

Qorti: U kif laqtitu l-karozza u telghet fuq il-bankina kif ghax fuq il-bankina qed nifhem?

Xhud: Huwa qed jghid li meta raha il-karozza gejjja huwa gie blackout raha dalma.

Qorti: Minhabba li wegga imma jigifieri?

Xhud: Huwa qe issostni li kellu blackout.

Qorti: U ma jafx kif gara l-incident?

Xhud: Ma jafx kif gara l-incident.

Pros: Fejn kien qabel gara l-incident?

Xhud: Huwa kien fuq il-pavement jistenna id-dawl jaqleb.

Avu: Inti kont qieghed bdejt miexi jigifieri?

Avu: Jigifieri inti bqajt fuq il-bankina?

Pros: Qabel ġara l-black out fejn l-aħħar li jiftakar li kien qed nurih ir-ritratt hawnhekk qed nurih ir-ritratt C9 fejn jiftakar li kien qabel qabel kien hemm il-black out?

Xhud: Mela hu qed jgħid qed jimmarka ż-żebra crossing illum iż-żebra telqet u ġiet bla żebra imma qed jimmarka l-parti li hija taż-żebra crossing u qal li huwa kien fil-marka li mmarka x'hin tah il-blackout.

Qorti: Fit-triq?

Xhud: Ijja fi triq li huwa C9.

Pros: Inti għarft il-karozza tiftakar qed nurik C7 tiftakar min kien qed isuq il-karozza?

Xhud: Ma rax wiccha, fuq il-mistoqsija tal-prosekuzzjoni jekk tagħrafx il-persuna ma għarafx wiċċa.

Pros: Wara li kellu l-blackout x`jiftakar wara li kellu l-black out?

Xhud: After the black out what do you remember?

Xhud: Kont qieghed mitfugh got-triq u kien hemm ga qed jigbruni.

Pros: Jekk thares hawnekk minn nies li hawn go l-awla tiftakar li kien hemm u qiegehd hawn illum?

Xhud: Le.

Pros: Id-direzzjoni għal fejn kont sejjer inti?

Xhud: Jien kont qed naqsam it-triq sejjer lejn il-bus stop.

Pros: No further questions.

Matthew Fenech, xehed hekk

Xhud: Jiena rajt incident.

Pros: Tista' tispjegalna meta fejn u x' rajt?

Xhud: Mela l-incident sar fit-12 ta' Jannar 2023, Bahar ic-Caghaq fi triq il-coast road jekk mhux sejjer żbaljat.

Pros: Ha nagħmillek referenza għal xi ritratti. C2 hawnhekk qed tirrreferi nti?

Xhud: Mhiniex nara l-pelican crossing imma hawnekk, jiena qed nara fuq C1.

Qorti: Dak kien il-lokalita tal-incident, inti x`kont passiggier?

Xhud: No kont qed insuq warajha.

Qorti: Wara min please?

Xhud: Wara l-karozza li kienet involuta fl-incident.

Qorti: Il-karozza min kien qed isuqha qed tarafghu fl-awla?

Xhud: Iva.

Qorti: Is-sinjur indika lil imputata.

Pros: Il-karozza li qed issemmi qed tagħrafha ġewwa dawk ir-ritratti?

Xhud: Iva, C8.

Qorti: Karozza wahda biss hemm f`dak ir-ritratt?

Xhud: Iva.

Qorti: X`gara sinjur?

Xhud: Xejn jiena bażikament hemm kont tielgha fit-telgha normali filgħodu u bażikament at one point nara xi hadd bażikament hemm jittajjar.

Qorti: Mela id-dawl kif kien ghalikom?

Xhud: Ma nafx id-dawl x`kulur kien ma nistax niftakar.

Pros: X`rajt ezatt sinjur jigifieri rajt dik il-karozza kemm kont il bogħod minn dik il-karozza?

Xhud: Forsi 2 karozzi spazju ta' 2 karozzi il bogħod bejn wiehed u ieħor.

Pros: U x' rajt ezatt?

Xhud: Mela nixtieq nagħmel nota li x-xemx dak il-ħin kienet f`għajnejja, jigifieri ma tantx kont qed nara sew imma li nista' nara,

Qorti: Mela il-persuna li ttajret kienet fit-triq jew?

Xhud: Mela il-persuna ma rajtiex actually dik is-sekonda rajt l-aftermath jigifieri ilma itir dik il-ħaġa li qed niftakar u rajt li naħseb li hija id kien on the side so.

Qorti: Imma fit-triq?

Xhud: Iva fit-triq yes.

Qorti: Inti l-persuna li ttajret qed tarafha f'din l-awla?

Xhud: Iva hemmekk.

Qorti: Ix-xhud indika lil parte civile minorenni.

Pros: Mela wara li rajt l-ilma u l-id x`rajt iktar?

Xhud: Ghal-sekonda waqft ghax aqqas indunajt x`gara ezatt harist barra t-tieqa u nara persuna nofsu fit-triq u nofsu fuq il-bankina jew kellu id fuq il-bankina u ovvjament waqft biex nara jekk għandux bżonn xi għajnuna.

Pros: U x' gara wara?

Xhud: Ppruvajt nitkellem ma' dak li wegga' bżikament rajt li huwa cognitive li għandu r-rispons so at that moment jekk mhux sejjer żbaljat is-sinjura tiegħu kienet iċċempel ambulanza digà hemm fuq it-telefon u haddtilha il-mobile biex ngħinha biex biex inċempel lill-ambulanza ghax kienet qiegħda in a panic state.

Pros: Inti għedt kien hemm distanza ta' 2 karożzi jkun hemm xi karożzi oħra li waqqfu?

Xhud: Li nista ngħid qed mument kulma kont moħħni fil-dak li kien qiegħed inwegġa' pero li nista' ngħid wara qisu a couple of minutes li tellajt rasi kien hemm slow moving traffiku warajh anke xi karozzi weqfin warajja hi wkoll minħabba l-fatt li kont wieqaf fin-nofs.

Pros: M'għandix iktar mistoqsijiet.

Avu2: Kontro eżami Sur Fenech Bongu mela allura ngħid sew li inti l-inċident essaġġ ma rajtux imma rajt x' ġara wara?

Xhud: Rajt l-aftermath tal-hit jigifieri rajt l-ilma li nimmagina kellu xi flixkun tal-ilma f'idu rajt lil ma jtir u naħseb anke.

Avu2: Daqekk biss rajt inti?

Xhud: Ehe.

Avu2: Issa inti spjegajtilna li waqqaft fuq il-post biex tara x' ġara u ma ġarax ara ngħid`x sew li dak il-persuna ghedtilna ġuvnott ta' warajk kien jinsab hafna iktar il-fuq mill-pelican crossing tiftakarha din?

Xhud: Ma nistax niftakar li kien hemm xi distanza notevoli.

Avu2: Pero ma kienx eżatt hdejn il-pelican crossing naqblu?

Xhud: Eżatt eżatt le imma kien viċin ħafna nista' niftakar.

Avu2: Xejn iktar.

Tamsin Jane Pace, xehdet h ekk

Pros: Miss Pace you saw an accident?

Xhud: Yes.

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

Xhud: So it was in January last year, on the coast road.

Pros: You remember the date?

Xhud: The exact date, no, I'm afraid I can't remember the exact date. We were on our way to work I was on crutches Pauline had come to take me to work. And we were driving up the coast road, and we came across the traffic lights, which were green. And then we heard.

Qorti: You were in a vehicle?

Xhud: I was in Pauline's car.

Qorti: Who is Pauline's car?

Avu2: Kienet mal-imputata.

Xhud: I was in the car she was taking me to work Yes, because I was on crutches so she was taking me to work.

Qorti: And you`re saying that the lights were green and what happened?

Xhud: Yes, we heard a noise and we wondered what it was, and we stopped and we saw that someone was on the floor.

Pros: I am showing you C1 and C3 was it the same road?

Xhud: Yes, the coast road.

Pros: I'm showing you C8?

Xhud: Yes, that's the car and that's me in the car. I wasn't able to get out the car because I was on crutches.

Pros: At which stage you saw the other person?

Qorti: She already said they that heard a bump and they come out of the car. She couldn't come out of the car. But did you actually see the person on the floor?

Xhud: No, I didn't see them on the floor because it was a bit behind me and I couldn't manoeuvre very well. Because of the crutches, yes.

Qorti: So how did you know that it was a person?

Xhud: Because Pauline had looked in her mirror and said, I can see someone, behind uh huh, But I could, as I say, I could not get out of the car. And if I'd opened to try and get out the car, it would have been into the traffic.

Pros: Why do you remember, How come? Do you remember the colour of the lights?

Xhud: Because if they, if they'd been another colour, we would have stopped. If they were red, we would have stopped.

Pros: Anything else? Do you remember?

Xhud: No.

Qorti: Cross.

Pros: After your daughter saw the person from the mirror, what happened?

Xhud: She's not my daughter, She's a work colleague, a friend.

Pros: Your work colleague the friend what happened?

Xhud: She was aware that she bumped someone, she hit someone.

Qorti: She said something, she heard something hit the car. Then she saw in the mirror that it was a person.

Pros: What happened afterwards?

Xhud: Well, obviously she got out and ran and went back to see exactly what had happened.

Pros: Did it take a long while, a long distance to stop?

Xhud: No, as soon when she, when stopped, it was. We heard something we looked each other and said, what is that? She looked in her mirror and stopped.

Pros: Do you drive?

Xhud: Yes.

Pros: What manoeuvre did she do? Your friend?

Xhud: She was driving straight up the road.

Qorti: She's very clear in her evidence. She's extremely clear in her evidence. She said the lights were green. We kept on going. You asked her, why are you saying the lights were green, because if they were red, we would have stopped. We were moving. We heard boom. We didn't know what it was. We stopped. Well, the driver stopped. The driver looked in the mirror and she said something probably like, oh my God, there's a person in the road, I would imagine and the driver went out to see what had happened and the distance was not very great a I under standing?

Xhud: Yes exactly, it wasn't very great noo. In fact, you can see here it's not a very great distance in the picture here, you can see DOC C8.

Qorti: So you confirm that the car stopped there and was not moved until the police came coz those are photos by the police.

Xhud: No, we didn't move. The police told us to stop there.

Qorti: So the police found the vehicle where the vehicle had been stopped after the what you described?

Xhud: Yes, exactly the vehicle was not moved in any way, shape or form. In fact, We had to stay there until the hospital

until we were told to move by the police. We stayed in exactly the same spot.

Qorti: Anything else? Cross.

Adv: So Miss Pace, so am I correct in stating that the point of impact was on the right hand side of the car maybe I can show you a photo here.

Qorti: One moment, is it exhibited in atti that?

Xhud: Yes, on the driver's side on the right hand side.

Qorti: Please show her the photos that they are exhibited, What DOC is that please?

Xhud: C7.

Qorti: Is that what you're referring to, dottoressa?

Xhud: Yes right. Yes, exactly.

Avu: That's it. No further questions.

Ikkunsidrat

Jirrizulta kunflitt kbir ta' provi dwar id-dinamika tal-incident u bhekk ma hemmx il-livell ta' provi rikjest fil-kamp Kriminali u isegwi li Pauline Marie Chetcuti mhux hatja tal-imputazzjonijiet fil-konfront taghha.

Decide

Ghal dawn il-motivi wara li rat artikoli 226(1) (b) Kap 9 15(1)(a)(2) tal-Kap 65 L.S. 65.18 Art 36B fil-L.S. 65.18 Sitt Skeda tal-Ligijiet ta' Malta.

ma ssibx lil Pauline Marie Chetcuti hatja tal-imputazzjonijiet fil-konfront taghha u tilliberha minn kull htija u piena.

DR. YANA MICALLEF STAFRACE LL.D.
MAGISTRAT

Doris Serpina Sciberras
Deputat Registratur