



In the Court of Magistrates (Malta)
As a Court of Criminal Judicature
Magistrate Dr. Yana Micallef Stafrace LL.D.

Police

(Inspector Diane Vella)

Vs

Negin Aghababa

12th of May 2025

The Court

Having seen the charges against Negin Aghababa son of N/A born on the 20/09/1985 residing 200, Roma, Flt 3, Triq is-Salina, Marsaskala ID No: 177175A.

As you have been charged with having on the 1st November 2023 at about 13.00 hrs, in Triq Villabate, Zabbar drove vehicle with registration no: DCA492;

1. Through imprudence, negligence or, unskillfulness in your trade or profession, or through non-observance of any regulation, caused any fire or any damage, spoil or injury to the detriment of Mario Farrugia Art. 328(d)
2. And drove the mentioned vehicle in a dangerous manner; 15(1)(a)
3. And drove the mentioned vehicle in a negligent manner;
4. Also, you drove attempted to drive or was in charge of vehicle no. DCA492 on the road or breath, blood or urine exceeded the prescribed limit.

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 licence, as indicated in S.L. 65.18 Art 36B and in S.L. 65.18 Sixth Schedule.

Having seen articles 328(d) of Chapter 9 and 15(1)(a)(2)(3), 15B(1) of Chapter 65 and in 65.18 Sixth Schedule of the Laws of Malta

Having seen all the witnesses produced by the Prosecution

Having seen that the accused did not give testimony

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

Having seen the Oral submissions

Considerations of this court

PS 699 C Farrugia and Stephen Cachia testified by means of an affidavit

Mario Farrugia, testified as follows

Pros: Mela Mario inti kellek xi incident tat-traffiku?

Xhud: Jien ma kellix dahlu go fija kienet ipparkjata l-karozza.

Qorti: Jigifieri inti l-incident ma rajtux?

Xhud: Le.

Pros: Fejn kienet ipparkjata?

Xhud: Triq il-gdida ta' Wied il-Ghajn.

Pros: Il-gurnata tiftakar meta?

Xhud: Ma niftakarhiex inbati bil, Fil-1 ta' Novembru 2023.

Pros: U kif sirt taf inti voldieri?

Xhud: Ċempluli l-pulizija u qal li kien hemm xi incident kissrulek il-karozza u qaluli tista tigi fuq il-post kienu xi saghtejn u nofs kien hemm xebgha pulizija ambulanza u x'hin mort jiena nzertajt is-sinjura diehla go l-ambulanza l-ewwel ma ghamilt staqsejt jekk wegġatx jew whatever jigifieri.

Qorti: Is-sinjura min hi?

Xhud: Dik.

Qorti: Ix-xhud indika l-imputata.

Pros: X`qaltlek hi umbagħad?

Xhud: Xejn ma setgħetx titkellem għax dahlet l-ewwel muġugħa u dahlet go l-ambulanza u mbagħad komplejt nitkellem mal-pulizija. Kont rieqed dak il-hin.

Pros: Xi hsarat kelelk fil-vettura?

Xhud: Kelli hsarat estensivi fil-vann jġigifieri hawn fil-fil-4 wheel tiegħi.

Pros: X`kienu?

Xhud: Filfatt issetiljajna mal-imputata u ssetiljajna kollox.

Pros: Jigifieri inti thallast tal-hsarat?

Xhud: M`ghandix nitlob xejn anzi kienet veru orrajt.

Avu: Ara hux qed nifhem sew inti ikkordinajt u thallast tal-
hsarat li kellek fil-vettura vettura tiegħek kienet x'kienet il-
vettura tiegħek?

Xhud: EAD 578.

Avu: Grazzi sinjur.

Considerations of this Court

PS 699 C Farrugia did not caution the accused correctly before gathering her testimony therefore any declarations and breathalyser tests cannot be taken into consideration. Therefore there is no evidence beyond a reasonable regarding the dynamics of this accident and therefore none of the charges have been proved

Decide

For these reasons and after having seen Articles 328(d) of Chapter 9 and 15(1)(a)(2)(3), 15B(1) of Chapter 65 and in S.L. 65.18 Sixth Schedule of the laws of Malta finds the accused Negin Aghababa is not guilty of the charges.

Magistrate Dr Yana Micallef Stafrace LL.D.

Doris Serpina Sciberras

Deputy Registrar

