



Court of Magistrates (MALTA)
AS A COURT OF CRIMINAL JUDICATURE

Magistrate Dr. Jean Paul Grech B.A., LL.D
M.Juris (Int. Law), Adv. Trib. Eccl. Melit

JUDGEMENT

Today, Wednesday the fourth (4th) of June 2025

Case Number 3153/2025

The Police

(Inspector Rachel Aquilina)

VS

Sasa Simonovic

The Court,

Having seen the charges brought against **Sasa Simonovic**, born in Serbia on the thirtieth (30th) December 1973 and residing at St. Mary House, Triq il-Hġejjeg, San Pawl il-Bahar, holder of Maltese identity card

number 127362(A) for having on the twenty sixth (26th) June 2024 at around five minutes to five in the afternoon (16.55 hrs), in St. Paul's Street, St. Paul's Bay:

(1) driven vehicle No. ACN-241 without having a driving license under that specified category to drive the mentioned vehicle;¹

(2) driven vehicle No. ACN-241 when he was not covered by a policy of insurance in respect of third party risks.²

The Prosecution requested that the mentioned person be disqualified from holding or obtaining any driving licence for a period of time that the Court deems fit.

Having seen the evidence compiled, the documents exhibited and all acts of the proceedings;

Having heard final submissions of the parties;

Considered;

The facts of the case are as follows: on the twenty-sixth (26th) June 2024, during an authorised road check in St. Paul's Bay vehicle bearing

¹ Article 15(1)(a) of Chapter 65 of the Laws of Malta;

² Article 14(1) of Chapter 312 of the Laws of Malta;

registration number ACN-241 was stopped. The driver, Sara Simonovic, a Serbian National, presented a valid Serbian Driving license. He was asked how long he had been in Malta and he answered that he had been here for two (2) years. From subsequent verifications carried out with Transport Malta, it transpired that the accused was never in possession of a Maltese driving license. Hence he was instructed not to drive and informed that charges were going to be issued against him.

Considered;

In its final submissions the Defence raises two pleas which in its opinion puncture completely the Prosecution's case. The Court will proceed to address these pleas first prior to delving into the merits of the case.

As regards the first plea, the defence is attacking the admissibility of the declarations made by the accused when he was stopped by the Police during the road-check. This because the accused was not given his legal rights. The Court considers that the defence is right to contend that these declarations are inadmissible. This because from the sworn declaration of PC 351 P Camilleri and from the Current Incident Report there is no indication that the accused was given his legal rights. The Court refers to the Current Incident Report which refers to a case of another driver who was stopped during the same road-block. In the case of this driver, a Venezuelan national, he was given his legal rights and this is specified black on white on the same report. In so far as the

accused is concerned, there is no reference that he was given the same rights. The Court considers that the moment the accused presented his Serbian driving licence and not a Maltese one, the Police could reasonably suspect that potentially the accused could be in breach of Maltese laws. This because a Serbian licence does not confer an unlimited right to drive in Malta. Hence, they were duty bound to give him his legal rights. The fact that these rights were not given renders all declarations made by the accused inadmissible as evidence. Hence the Prosecution cannot rely on the declaration made by the accused as regards the time he had been in Malta.

With reference to the issue whether the accused could drive in Malta using his Serbian driving licence, the Court also refers to the recent judgement given by the Court of Appeal (Inferior Jurisdiction) in the names of ***The Police vs Kaji Shyam Gurung***³ wherein the Court of Appeal made it clear that it is the Prosecution's duty to prove that the accused had been in Malta for a period exceeding twelve (12) months from his last date of entry and that consequently he was not entitled to drive as per the exemption laid down in regulation 5 of Subsidiary Legislation 65.18. The Prosecution did not bring any other proof to this effect. Hence it cannot be said that the first (1st) charge has been proven.

³ Decided on the 12th May 2025. Appeal number 545/2023/1 CSH

With reference to the second charge, the defence submitted a valid certificate of insurance confirming that the accused was duly insured to drive vehicle ACN 241. Hence, the second (2nd) charge does not result either.

- **Decide**

Therefore for the reasons expounded above, the Court **is not finding the accused guilty** and consequently it is acquitting him from all charges brought against him.

Dr. Jean Paul Grech
Magistrate