Fil-Qorti tal-Maġistrati (Malta)
Bħala Qorti ta' Ġudikatura Kriminali

Maġistrat Dr. Donatella M. Frendo Dimech LL. D., Mag.Jur. (Int.Law)

Seduta San Ġiljan

Il-Pulizija
-vs-
Richard Spiteri

Kawża Nru.1483/2025

Illum, 22 ta' Lulju, 2025

Il-Qorti,

Rat l-imputazzjonijiet miġjuba fil-konfront tal-imputat Richard Spiteri u ċioe` talli:

> Fil-21 ta' Novembru, 2024 bejn il-ħinijiet ta' l-14:45hrs u 15:30 hrs ġewwa 47, Triq il-Knisja, San Ġiljan:
>
> Ħebb għal Daniel Kuhlmann u kkaġunalu offiża ta' natura ħafifa.

Rat id-dokumenti

Semgħet ix-xhieda;

Semgħet it-trattazzjoni tal-partijiet;

Ikkunsidrat,

Daniel Kuhlmann, il-parte leża, iddeskriva l-inkontru tiegħu mal-imputat:

"On the 21st of November, at 2.40, I moved to my new appartment. So I had to carry big boxes and a chair into my car. So I parked the car in the parking garage underneath my appartment block..... The address is Garden View, Appartment 4, (...) Court in St. Julians. Church Street. And, then I came down, after I grabbed my two boxes to my car and, there was waiting a guy behind his car, and ***he was very aggressive. Shouting at me that I had blocked his parking spot,*** *underneath the garage, and therefore, he hit his own car, somewhere. I don't know. So he made me responsible for it, and he didn't stop and* ***he came into me and tried to give me a head butt. But he stopped, just touching my head.*** *And (...) provocation, that I didn't done anything.* ***He kicked my leg, my thigh****. And, so therefore, that is the situation. He attacked me..... I came down the elevator with my boxes and my chair. And I saw the guy and he told me that I am blocking his parking spot. I told him, sorry. I need to move my stuff into the car and I move the car away. So that you can park in. And he got more and more aggressive. I have video, I can show it. Aggressions."*

Kuhlmann ma jippruvax iżżejjen il-verżjoni tiegħu u jixhed li l-brix fuq driegħu dawk ta' idejh seta ġarrabhom meta ħabat mal-ħajt peress li ma kienx hemm ħafna spazju bejn il-vettura u l-ħajt iżda kellu grieħi u tbenġil fuq koxxtu:

"Difiża:	*Am I right to say as well, that my client tried to call you numerous times and was waiting for twenty minutes.*
Xhud:	*No he didn't try. And it wasn't twenty minutes for sure.*
Difiża:	*Am I right to say that the injuries that you suffered, you suffered them because you hit, you went into your car door. That is how you suffered the injuries.*
Xhud:	*No.*
Difiża:	*No. So you didnt hit your car door?*
Xhud:	*No.*
Qorti:	*You were going to say something. Give him chance to finish. He was about to say something whilst holding his left knee. Tell me.*
Xhud:	*I was kicked in my left thigh. And the scratches on my arm.*
Qorti:	*The scratches on you right elbow.*
Xhud:	*Yes. They came from probably when I banged. Because he attacked me.*
Qorti:	*When you moved back, yes.*

Xhud: *I went back, yes, because that is the normal reaction if someone attacks you, you go back.*

L-imputat **Richard Spiteri** xehed li hu jikri garaxx fi blokka ta' xi ħmistax il-garaxx u fil-jum l-inċident sab karozza faċċata tal-garage tiegħu, ħdejn il-bieb tal-*lift*, timblokkalu d-dħul fil-garage tiegħu. Prova jgħaddi bil-vettura tiegħu iżda spiċċa baraxx il-vettura tiegħu mal-ħajt. Jispjega:

"Xhud: Imbagħad ovvjament, u domt nistenna. Mhux ħames minuti kif qal hu. Imma domt bejn kwarta u għoxrin minuta. Imbagħad, kif niżel hu, kif ħareġ, ovvjament jien kont mifqugħ, u offendejtu.

Qorti: Kont mifqugħ.

Xhud: Normali hux. Pero ma ħebbejtx għalih. Mhux vera. U kif niżel, jien kont fil-karozza. U fetaħ waħda mill-bibien tiegħu, kif qal hu, kienet qiegħda mal-ħajt. U jien meta ħriġt mill-karozza u bdejt ngħajjat.

Difiża: Bħalma hemm f'dak il-vidjo li rajna.

Xhud: Agħar minn hekk, bdejt ngħajjat. U hu ħabat mal-bieba tal-karozza tiegħu stess. Kellu l-bieba miftuħa u ħabat mal-bieba tal-karozza tiegħu stess. Ma missejtux. ...."

Il-Qorti rat il-video *seduta stante* u fih jinstema il-parte leża jsaqsi lill-imputat *"Why did you hit me?"*. Madanakollu Spiteri jkompli jiċħad li hu għamel xi forma ta' kuntatt mal-parte leża u jgħid li jekk weġġa dan seħħ għax ħabat mal-bieba tal-vettura tiegħu stess.

"Prosekutur: Hekk hu. Inti rajt il-vidjo u inti smajt li huwa qal, Why did you hit me?

Xhud: Smajt iva.

Prosekutur: U għalfejn qallek hekk taħseb?

Xhud: Biex jipproduċi l-vidjo fil-Qorti, apposta.

Qorti: Mela la kont taf hekk, għaliex ma rrispondejtux, Where did I hit you?

Xhud: Għax dħalt fil-karozza Sinjura. Erġa' dawwar.

Qorti: Iva rajtek dieħel jien. Għalhekk qed (...) Għax jekk jiġi xi ħadd jgħidli you hit me u ma nkunx I hit him. Imbagħad forsi noħroġ, I hit him!

Xhud: Ma ridtx nibqa' ntawwal l-affarijiet. Ridt naqbad u nipparkja ħalli hu jitlaq u neħles hux. Ħa noqgħod intawwal."

Mistoqsi jekk ippruvax jagħmel kuntatt mal-parte leża li kien ħalla karta bin-numru tat-telefon fuq il-windscreen jgħid li prova jagħmel kuntatt billi ċempillu diversi drabi iżda ma kellux prova ta' dan. Iżid *"Fil-karozza kelli tifel rieqed ta' sentejn u nofs, u 'l ommu. Ħa mmur niġġieled ma' bniedem ikbar minni?"*.

Fuq dawn ir-riżultanzi proċesswali l-Qorti tqis li l-prosekuzzjoni ippruvat il-każ tagħha li l-parte leża sofra offiżi ħfief u ċioe *"Large bruise"*.

Decide

Ghal dawn il-motivi, wara li rat l-artikolu 221(3) tal-Kodiċi Kriminali, issib l-imputat ħati tal-imputazzjoni miġjuba kontrih u tikkundannah ghal ammenda ta' tmienja w ħamsin Euro (€58).

Ai termini tal-Artikolu 382A tal-Kodiċi Kriminali qed toħroġ Ordni ta' Trażżin kontra l-imputat favur Daniel Kuhlmann għall-perjodu ta' tlett (3) snin millum.

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