



Court of Magistrates (Malta) as a Court of Criminal Judicature

**THE POLICE (INSPECTOR NICHOLAS VELLA) V. MAROUF KHEL SARDAR KHAN
(ID. 224482A)**

MAGISTRATE: DR. VICTOR G. AXIAK

11/10/2022

THE COURT,

Having seen the charges issued against the accused:

**As you have been charged that on the 31/12/2020 at around 23:34hrs in
Triq Sant Anna, Floriana whilst making use of vehicle FBR427**

**1 Drove a motor vehicle or any other vehicle without a driver's license.
Chap 65 Section 15 (1)(a), (3)**

**2 Used, caused or permitted another person to use a motor vehicle on a
road without a policy of insurance in respect of third party risks. Chap 104
Section 3 (1)**

Having heard the witnesses summoned before it and having considered the testimony that was produced, that is, the testimonies of WPS 250 (affidavit) and PC 281 (affidavit);

Having seen all the acts of the case;

Having heard final submissions made by the Prosecution and the Defence;

Is giving the following

Judgement

First charge

During the sitting held on 11th October 2022 the accused admitted the first charge and confirmed such admission having been given an opportunity by Court to reconsider it.

Second charge

During the said sitting, counsel for the Defence submitted a copy of an insurance policy issued with regard to the vehicle in question. The policy was issued to a certain Maccless Grech and the authorised drivers indicated on the policy were any driver aged twenty-five (25) years and over.

As has been held by this Court on several occasions, in line with several other court judgements on this matter (including **Police v. Emanuel Zarb** (App. Nr. 329:2010:MM, 26th March 2015), the legislator's intention behind Art. 3(1) of Chapter 104 of the Laws of Malta is to protect third parties and not to penalise drivers who may be in breach of an insurance policy. Given that a valid insurance policy covering the use of the vehicle for the period in question was in force, criminal liability cannot arise.

Decision

For the abovementioned reasons the Court acquits the accused of the second charge and having seen the law (Chapter 65, Art. 15(1)(a)), finds him guilty of the first charge upon his admission and fines him the amount of two hundred and fifty euro (€250). In addition to the fine, the Court disqualifies the offender from holding or obtaining a driving licence for a period of eight (8) days (Ch. 65, Art. 15(3))

V.G. Axiak
Magistrate

Y.M. Pace
Dep. Registrar