MALTA

QORTI TAL-MAGISTRATI (MALTA)
BHALA QORTI TA' GUDIKATURA KRIMINALI

MAGISTRAT DR.
EDWINA GRIMA

Seduta tad-29 ta' Settembru, 2010

Numru. 1190/2008

Il-Pulizija
(Spettur Fabian Fleri)

Vs

Ludwig Bugeja ta’ 34 sena iben Angelo u Yvonne nee’ Camilleri imwieled il-Pieta’ nhar il-05/02/1976, detentur tal-karta ta’l-identita’ 113276(M) u residenti gewwa 21, Triq Joseph Stivala Paola, jew 2 Sur San Nikola, Bormla

Il-Qorti,

Rat l-akkuza kontra ’l hawn fuq imsemmi Ludwig Bugeja li gie akkuzat:

1. Talli fl-1 ta’ Dicembru 2008 ghal habta tal-12:45hrs, gewwa Triq Kottonera, Bormla ittanta li jisraq minn go vettura bin-numru ta’ registrazzjoni ABI 249 tal-ghamla Tata Indica ghad-dannu ta’ Fiona Aquilina, liema reat ma

sehhx minhabba xi haga indipendenti u accidentali mill-volonta tieghu liema attentat huwa aggravat bil-mezz, bil-valur li jeccedi il-€232.93 (mitt lira maltija) u anqas minn €1164.69 (hames mitt lira maltija) bil-hin, u bin-natura tal-haga misruqa;

2. U aktar talli fl-istess data, hin, lok u cirkostanzi volontarjament hassar, ghamel hsara, jew gharraq hwejjeg haddiehor, mobbli jew immobbli u cioe' ghamel hsara f'vettura bin-numru ABI 249 ta' ghamla Tata Indica, liema hsarat huma ta' anqas minn €116.47 (hamsin lira maltija) ghad-dannu ta' Fiona Aquilina;

3. Fl-istess data, hin, lok u cirkostanzi sar recidiv b'sentenza moghtija mill-Qorti tal-Magistrati (Malta) Magistrat Dr. L. Quintano LL.D datata 14 ta' April 2008, liema sentenza saret definittiva u ma tistax tigi mibdula.

Rat id-dokumenti esebiti;

Rat il-kunsens ta'l-Avukat Generali tal-4 ta' Dicembru 2008, sabiex dana il-kaz jigi trattat u deciz bil-procedura sommarja minn dina l-Qorti.

Semghet il-provi;

Ikkunsidrat:

Illi l-imputat jinsab akkuzat bit-tentattiv ta' serq minn vettura. ai termini ta'l-artikolu 41(1)(a) tal-Kapitolu 9 li jiddisponi illi: **"Kull min bil-hsieb li jaghmel delitt juri dana il-hsieb b'atti esterni u jaghti bidu ghall-esekuzzjoni tad-delitt, jehel meta jinsab hati …. Jekk id-delitt ma jkunx gie esegwit minhabba xi haga accidentali u indipendenti mill-volonta tal-hati, il-piena stabbilita ghad-delitt ikkunsmat imnaqqsa grad jew zewg grad"i.**

Mela allura mill-qari tad-disposizzjoni tal-ligi, johorgu tlett elementi essenzjali li jikkostitwixxu it-tentattiv u cioe':

1. Atti esterni li juru l-intenzjoni tal-persuna li tikkometti reat.

2. Bidu ta'l-esekuzzjoni tad-delitt.

3. In-nuqqas ta'esekuzzjoni tad-delitt minhabba cirkostanzi indipendenti
mill- volonta tal-hati.

Illi ghalhekk l-ewwel u qabel kollox l-intenzjoni tad-delinkwent trid tigi manifestata permezz ta' l-hekk imsejjha atti preparatorji. Bil-fors illi jirid ikun hemm xi azzjoni, liema azzjoni trid tkun saret bl-intenzjoni specifika li jigi kommess delitt, b'tali mod li ma thalli l-ebda dubbju dwar liema reat ikun qed jigi ikkontemplat. Madanakollu dawn l-atti preparatorji fihom infushom u wahedhom ma jistghu qatt iwasslu ghat-tentattiv u ghalhekk ghal xi htija fil-kamp penali, jekk l-hati ma jkunx ta bidu ghall-esekuzzjoni tad-delitt.

Kif ighid il-Professur Mamo fin-noti tieghu:

"To intend to commit a crime is one thing; to get ready to commit it is another; to try to commit it is a third. We may say indeed that every intentional crime involves four distinct stages – Intention, Preparation, Attempt and Completion. Action in pursuance of the intent is not commonly criminal if it does no more than manifest the *mens rea*, nor if it goes no further than the stage of preparation."

Madanakollu kif ikompli jghid il-Professur Mamo, huwa difficli sabiex wiehed jigbed linja ta' demarkazzjoni bejn dak li jikkostitwixxi atti preparatorji biss u dawk l-azzjonijiet li jistghu imbaghad jigu ikklasifikati bhala l-bidu ta'l-esekuzzjoni tad-delitt. X'distinzjoni hemm bejn il-preparazzjoni sabiex wiehed jikkometti id-delitt u it-tentattiv ta'l-istess?

Il-Professur Mamo, isostni u dana fid-dawl ta' dak li jghidu diversi gurisiti prominenti fosthom il-Carrara, Maino u Liugi Masucci:

“So long as an overt act, whether in itself or by reason of the circumstances surrounding it, does not clearly show that it is directed to a criminal purpose, it cannot be regarded as an act of execution of a crime, because no act which in itself and in appearance is or can be innocent can be considered as a commencement of another offence. When, however, it appears clear that such act was directed to a criminal purpose, then, in order to decide whether such act represents a commencement of the execution of the crime it must be seen whether it forms part of that series of acts which, in their natural completeness would constitute the actual commission of the crime. If the act forms an integral part of this series of acts which in their completeness would consummate the crime, that act is one of execution. If, on the contrary, the act merely precedes the criminal action, to which it was directed and is such that, however much repeated, it could never accomplish the consummation of that crime, the act is not an act of execution.”

Illi f’sentenza moghtija mill-Qorti ta’l-Appelli Kriminali fl-ismijiet Il-Pulizija vs Godfrey Ciangura deciza fl-10 ta’ Gunju 2002 jinghad:

“Fuq id-distinzjoni bejn atti preparatorji u atti li jammontaw ghal bidu ta’l-esekuzzjoni tad-delitt inkitbu volumi shah; u hafna huma wkoll dawk it-teoriji li gew proposti biex jghinu lill-gudikant jasal biex jigbed linja ta’ demarkazzjoni bejn atti preparatorji u atti ezekuttivi. … Fil-fatt, pero’, il-Qrati taghna, qatt ma intrabtu ma’ xi teorija wahda partikolari, u dan peress li kull teorija tista’ tghid li ghandha id-difetti taghha. U fir-realta’ il-linja ta’ demarkazzjoni bejn atti preparatorji u atti ezekuttivi wiehed jista’ aktar isibha billi japplika l-buon sens fl-analizi tal-fatti li jkunu rrizultaw fl-isfond tar-reat partikolari li tieghu ikun qed jigi allegat li kien hemm tentattiv milli billi jintrabat ma’ xi teorija partikolari.

Din il-linja ta' pratticita' giet proposta, fost ohrajn, mill-gurista Petrocelli. Fi kliem Antolisei:

'Con molta dottrina e con mirabile chiarezza l-insigne penalista ha sostenuto che l'atto esecuttivo si ha quando il mezzo o, meglio, l'energia destinata a produrre l'offesa inerente al reato, e' messa in opera secondo la sua natura o destinazione. Il giudice, col sussidio delle'esperienza, deve trarre l'idea e i caratteri dell'azione che e' "propria" di cisacun delitto della relattiva fattispecie e, quindi cogliere il momento dinamico che dell'azione stessa esprime l'inizio e pone in essere l'atto esecutivo.'

Illi l-ahhar element legali li isawwar it-tentattiv huwa n-nuqqas ta' esekuzzjoni tad-delitt minhabba cirkostanzi indipendenti mill-volonta tal-hati. Illi ghalhekk irid ikun hemm xi azzjoni indipendenti li b'xi mod tisfratta dina l-intenzjoni tad-delinkwent biex b'hekk ir-reat ma jigix ikkunsmat.

Illi l-imputat qed jigi akkuzat illi huwa sgassa it-tieqa ta' vettura li kienet ipparkeggjata vicin l-iskola De La Salle u kien ser jiehu handbag li kien fuq is-seat ta' wara ta' dina l-vettura. Illi sid il-vettura, Fiona Aquilina, tghid li ipparkeggjat l-istess vettura, sakkritha u nizzlet sabiex tmur tigbor lit-tifel taghha mill-iskola. Peress illi kienet kemmxejn tard hija insiet il-handbag taghha fuq is-seat. Hekk kif iltaqghet mat-tifel taghha u kienet sejra lura lejn il-karozza mieghu, it-tifel gibbdilha l-attenzjoni ghal fatt li kien hemm ragel qed jipprova ikisser il-vettura taghhom. Kif harset tghid li rat lill-imputat ikisser il-hgiega tal-bieba ta' wara tan-naha tal-passiggier u jtawwal idejh sabiex jaqbad il-handbag li kellha fuq is-seat. Hanwhekk hija bdiet tghajjat, id-delinkwent ghalhekk iddesista mill-azzjoni tieghu u harab f'vettura ohra li kienet ipparkeggjata fil-vicinanzi. Illi Aquilina ghamlet rapport l-ghassa tal-pulizija. F'dana l-mument is-surgent Jesmond Borg li kien qed ihejji dana ir-rapport jghid li dahhlitlu telefonata anonima fejn gie ifnurmat illi certu Ludwig Bugeja kien ipprova jikkometti serq minn vettura vicin l-iskola ta' De La Salle. Gie infurmat illi Bugeja harab f'vettura bajda u li fil-vettura

kien hemm mara mieghu. Is-surgent jghid illi f'dak il-hin huwa talab lil Aquilina taghtih deskrizzjoni tal-persuna li rat u jghid illi d-deskrizzjoni moghtija minnha kienet taqbel ma'dik ta' Ludwig Bugeja. Peress illi is-surgent kien jaf illi Ludwig Bugeja kien jirraporta l-ghassa ta' Rahal il-Gdid fuq akkuzi kriminali ohra, huwa cempel l-ghassa fejn gie infurmat illi f'dak il-mument l-imputat kien qieghed l-ghassa. Ghalhekk huwa gie arrestat u mehud l-ghassa Bormla. Hemmhekk Aquilina identifikat lil Bugeja bhala l-istess persuna li ipprova jisraqha.

Illi ghalhekk minn dana kollu jirrizultaw is-segwenti fatti:

1. Il-malvivent javvicina l-vettura ta' Aquilina bil-hsieb li jikkometti serq mill-istess.

2. Il-malvivent jillieva il-bieba tal-passigier fuq in-naha fejn kien hemm il-handbag.

3. Il-malvivent ikisser hgiega zghira fuq l-istess naha.

4. Il-malvivent idahhal idejh minn got-tieqa u igebbidha sabiex jipprova jilhaq il-handbag li kien fuq is-seat.

Illi minghajr l-icken dubbju dawn l-azzjonijiet jikkostitwixxu mhux biss atti preparatorji, izda wkoll bl-istess azzjonijiet il-malvivent jaghti bidu ghall-esekuzzjoni ta-delitt, liema delitt ma jigix esegwit minhabba xi haga accidentali w indipendenti mill-volonta tieghu u cioe' minhabba l-fatt illi Aquilina tinduna bih, tibda tghajjat u huwa jiddesisti mill-azzjonijiet tieghu. Dana huwa kaz klassiku ta' tentattiv ta' serq u jezistu l-elementi kollha legali li isawru dana ir-reat.

Illi madanakollu l-imputat jichad illi huwa kien dina l-persuna[1]. Jghid illi dak in-nhar huwa kien ma' certu Annalise Agius li hija t-tfajla tieghu. Kienu b'vettura bajda misjuqa minnu. Jghid illi huwa wassal lil dina Annalise il-Belt sabiex tavza lill-Ispettur Mercieca li dak in-nhar ma setghax jattendi il-Qorti peress illi kien indispost. Wara dana jirrizulta illi huma verament waqqfu vicin l-iskola ta'

[1] Ara stqarrija ta'l-imputat a fol. 61 Dokument FF3

De La Salle u dana sabiex Annalise tmur tixtri pakkett sigaretti. Dana kien fl-istess hin bejn wiehed u iehor li fih gie kommess ir-reat. Illi Annalise Agius fix-xhieda taghha tikkontendi illi matul il-hin kollu li kienet qed tixtri dawn is-sigaretti hija baqghet izomm lill-imputat taht ghajnejha u fl-ebda hin ma ratu jinzel mill-vettura.[2] Wara dana huma erhewlha lejn l-ghassa ta' Rahal il-Gdid fejn l-imputat kellu jiffirma l-*bail book*. Fil-fatt mill-provi akkwiziti jirrizulta illi l-imputat iffirma l-*bail book* ghal habta tas-siegha u nofs u hamsa ta' wara nofs in-nhar.[3] Illi fl-istqarrija tieghu l-imputat jaghzel li ma iwegibx meta mistoqsi jekk huwa verament waqafx vicin l-iskola ta' De La Salle sabiex Annalise tinzel tixtri.

Il-Qorti madanakollu ma ghandha l-ebda dubbju illi kien l-imputat li ikkometta dana id-delitt jew it-tentattiv tieghu u dana ghas-segwenti ragunijiet:

1. Illi l-vittma ta' dana ir-reat Fiona Aquilina rat lill-imputat qieghed jipprova jisraq mill-vettura taghha u identifikatu aktar tard gewwa l-ghassa tal-pulizija. Dana ghamlitu wara li kienet tghat deskrizzjoni tieghu lis-surgent Borg, deskrizzjoni li skond l-istess surgent kienet taqbel ma' dik tal-persuna ta' Ludwig Bugeja. Madanakollu in kontro-ezami imbaghad tistqarr illi hekk kif kienet sejra l-ghassa tal-pulizija cemplilha ir-ragel taghha u infurmaha li kienet diga kellmitu persuna u infurmatu b'dak li kien sehh, liema persuna kienet identifikat lil Ludwig Bugeja bhala il-halliel. Hija tikkontendi illi meta imbaghad rat lil Bugeja gewwa l-ghassa huwa ma kellux manetti, izda kienet taf illi huwa kien l-istess persuna li kien semmielha zewgha. Illi f'kawza *R vs Turnbull* fl-Ingilterra, gew imfassla ir-regoli li gahndhom jigu segwiti meta issir identifikazzjoni tal-persuna ta'l-akkuzat, li ghalkemm dawn ir-regoli ma jikkostitwixxu l-ebda regola taht il-ligi Maltija, madanakollu huma linji gwida meta ikun hemm l-identifikazzjoni tal-persuna akkuzata. Illi dana gie ukoll sottolinjat f'sentenza moghtija mill-Qorti ta'l-Appelli Kriminali fl-ismijiet Il-Pulizija

[2] Ara xhieda Annalise Agius a fol.52

[3] Ara xhieda ta' PC497 Ryan Galea a fol.89 u id-Dokument RG a fol.91

vs Stephen Zammit (deciza 16 ta' Lulju 1998) fejn il-Qorti tghat esposizzjoni tar-regoli Turnbull fid-decizjoni taghha:

"First, whenever the case against an accused depends wholly or substantially on the correctness of one or more identifications of the accused which the defence alleges to be mistaken, the judge should warn the jury of the special need for caution before convicting the accused in reliance on the correctness of the identification or identifications. In addition he should instruct them as to the reason for the need for such a warning and should make some reference to the possibility that a mistaken witness can be a convincing one and that a number of such witnesses can all be mistaken. Provided this is done in clear terms the judge need not use any particular form of words.

Secondly, the judge should direct the jury to examine closely the circumstances in which the identification by each witness came to be made. How long did the witness have the accused under observation? At what distance? In what light? Was the observation impeded in any way, as for example by passing traffic or a press of people? Had the witness ever seen the accused before? How often? If only occasionally, had he any special reason for remembering the accused? How long elapsed between the original observation and the subsequent identification to the police? Was there any material discrepancy between the description of the accused given to the police by the witness when first seen by them and his actual appearance? If in any case, whether it is being dealt with summarily or on indictment, the prosecution have reason to believe that there is such a material discrepancy they should supply the accused or his legal advisers with particulars of the description the police were first given. In all cases if the accused asks to be given particulars of such descriptions, the prosecution should supply them. Finally, he should remind the jury of any specific weaknesses which had appeared in the identification evidence.

Recognition may be more reliable than identification of a stranger; but even when the witness is purporting to recognise someone whom he knows, the jury should be reminded that mistakes in recognition of close relatives and friends are sometimes made.

All these matters go to the quality of the identification evidence. If the quality is good and remains good at the close of the accused's case, the danger of a mistaken identification is lessened; but the poorer the quality, the greater the danger".

Illi fil-kaz in dizamina l-vittma issostni fix-xhieda taghha illi hija identifkat lil Bugeja dak in-nhar fl-ghassa bhala l-istess persuna li rat vicin il-karozza taghha. Illi ghalkemm hija setghet giet influwenzata mill-informazzjoni li tghaha zewgha fuq it-telefon u il-fatt illi hija giet infurmata illi Bugeja kien qieghed gewwa l-ghassa, madanakollu is-surgent Borg isostni illi meta mitluba taghtih deskrizzjoni tal-perusna li rat vicin il-vettura taghha, dina qablet mad-deskrizzjoni ta' Ludwig Bugeja u dana qabel ma hija fil-fatt ratu gewwa l-ghassa. Illi abbinat ma' dana kollu l-provi cirkostanzjali wkoll jippuntaw kollha fid-direzzjoni tal-persuna ta'l-imputat.

2. Illi gew elevati impronti digitali minn fuq il-vettura ta' Aquilina u precisament mill-post fejn kien hemm il-bieba illievata u il-hgiega miksura.[4] Illi fl-14 ta' Jannar 2009 gew nominati bhala esperti tal-marki tas-swaba PS1238 Clive Brimmer u Joseph Mallia biex jigu elevati l-impronti digitali u palmari ta'l-imputat u sabiex isir l-ezami komparattiv ma' dawk misjuba fuq il-vettura tal-vittma. Illi fir-rapport ipprezentat mill-espert Joseph Mallia[5] jirrizulta illi l-impronta li tidher fuq il-lifter dokument 08 CSQ 301 taqbel u hija idéntika mal-marka tal-pala ta'l-id ix-xellugija ta'l-imputat u dana b'16 il-punt karatteristiku identiku Mir-rapport tal-ufficjal tax-xena tar-reat jidher illi dina l-marka tas-swaba giet elevata minn fuq il-bieba ta' quddiem naha tal-passiggier minn barra. In kontro-ezami huwa jispecifika

[4] Ara rapport Dokument CS a fol. 38
[5] Ara rapport Dokument JM a fol.88

illi huwa eleva dina l-impronti digitali minn fuq il-bieba li giet illievata.[6]

Ikkunsidrat,

Illi l-Qorti ghalhekk mhux biss ghandha l-identifikazzjoni ta'l-imputat mill-vittma izda ghandha wkoll provi cirkostanzjali konsistenti fl-impronti digitali li mhux biss instabet fuq ix-xena tar-reat, izda sahansitra instabet fuq il-bieba li giet illevata sabiex sar t-tentattiv ta' dina is-serqa. Illi l-espert Joseph Mallia jindika sahansitra *16 points of comparison* mal-pala ta'l-id ix-xellugija ta'l-imputat li huma bizzejjed sabiex jikkonvincu lil dina l-Qorti illi kien proprju l-imputat li kien involut fil-kummissjoni tar-reat li bih jinstab akkuzat.

"L-impronti digitali (u dawk palmari) huma forma ta'prova indizzjarja - "circumstantial evidence" - li kif qal Lord Salmon fil-kaz DPP v. Kilbourne [1973] AC 729, p. 758 "…works by cumulatively, in geometrical progression, eliminating other possibilities. Il-kwistjoni kollha hi mhux jekk l-impronta instabitx f'post pubbliku jew f'post privat jew anqas pubbliku - il-kwistjoni kollha hi jekk, fid-dawl tac-cirkostanzi kollha, il-post fejn instabet l-impronta tikkonvincix lill-gudikant lil hinn minn kull dubbju dettat mir-raguni li dik l-impronta saret mill-persuna li lilha tappartjeni fil-kors tal-kommissjoni minn dik l-istess persuna tar-reat li bih tkun akkuzata jew fil-kors ta' xi atti li jammontaw ghall-anqas ghal tentattiv ta' dak ir-reat."
(Il-Pulizija vs Noel Frendo deciza 30 ta' Novembru 2004 – Appelli Kriminali Inferjuri)

Illi ukoll fil-kawza Il-Pulizija vs Vincent Calleja iktar 'il fuq iccitata jinghad:

"Il-ligi taghna ma tistabilix il-kriterji ta' numru ta' "matching points" jew "points of comparison" li ghandhom jinstabu fuq il-post tad-delitt jew xi repert iehor ma dawk tal-persuna suspettata.Fil-prattika

[6] Ara xhieda ta' PS680 Colin Sheldon in kontro-ezami a fol.106

pero' il-Pulizija ghall-biex tmexxi l-investigazzjoni ulterjorment il-quddiem, tistrieh fuq 9 points. Izda qabel ma tmur il-Qorti tkun trid li jkollha mill-inqas 14 il-"point of comparison."

Di piu' jirrizulta kemm mill-istqarrija ta'l-imputat kif ukoll mix-xhieda ta' Annalise Agius illi t-*time frame* moghti minnhom ta' dak li ghamlu f'dik l-ghodwa jinkwadra ruhu ezatt mal-hin li fih sehh id-delitt. L-imputat ighid illi huma telqu mill-Belt ghal habta tal-kwarta, marru il-Caritas il-Furjana fejn hemm damu wkoll xi kwarta, wara marru ghand omm Annalise sabiex hija iggib il-flus. Dana jaqbel ma' dak li tghid l-istess Annalise Agius fix-xhieda taghha. Wara dana imbaghad marru hdejn l-iskola De La Salle sabiex Agius tixtri is-sigaretti. Illi ghalhekk l-imputat kien jinstab proprju fil-post fejn sehh ir-reat fl-istess hin u cioe' ghal habta tas-siegha ta' wara nofs in-nhar fejn imbaghad minn hemm huma erhwelha lejn Rahal il-Gdid fejn l-imputat iffirma il-bail book ghal habta tas-siegha u nofs.

Dana kollu jwassal lill-Qorti ghal konvinciment morali illi kien proprju l-imputat li intenta jikkometti dana id-delitt. Illi l-imputat jinsab akkuzat bir-reat tat-tentattiv ta' serq aggravat bil-mezz, bil-valur, bil-hin u bin-natura tal-haga misruqa. Illi ma hemmx dubbju illi l-imputat sgassa il-bieba u kisser il-hgiega tal-vettura sabiex jaccedi ghall-istess. Dana jirrizulta mill-hsarat li kellha l-istess vettura.[7]. Jidher ukoll illi fil-handbag taghha, l-vittma kellha 300 ewro, mobile phone tal-marka Samsung, cwievet u wallet.[8] Illi ma hemmx dubbju illi l-imputat kien ser jisraq minn vettura li kienet tinsab f'post pubbliku u cioe' fit-triq. Madankollu l-Qorti ma tqisx illi l-aggravju tal-hin gie ippruvat peress illi ir-reat sehh matul il-gurnata.

Illi l-imputat jinsab ukoll akkuzat illi ikkometta hsara volontarja fuq il-vettura in kwistjoni liema hsara hija inqas minn €116.47. Illi dana madanakollu huwa mezz li serva sabiex jigi kommess ir-reat u kwindi l-Qorti sejra tapplika

[7] Ara Dokumenti FF1 u FF2 a fol.58B u 60
[8] Ara rapport a fol. 51

dak dispost fl-artikolu 17(h) tal-Kapitolu 9 tal-Ligijiet ta' Malta.

Illi meta tigi biex tikkunsidra l-piena li ghandha tigi inflitta l-Qorti ma tistax tinjora il-fedina penali piuttost ikkulurita ta'l-imputat u il-fatt illi huwa recidiv. Fil-fatt dina l-akkuza giet ukoll ippruvata mill-prosekuzzjoni kif jirrizulta mid-Dokument FF4 li tinsab a fol.64 et seq. tal-process. Jidher illi l-imputat ghandu il-vizzju tad-droga u ghalkemm huwa diga segwa program ta' riabilitazzjoni minn dana il-vizzju madanakollu ghadu ma irriformax hajjtu. Ghaldaqstant il-Qorti ma ghandhiex triq ohra hlief li timponi piena karcerarja effettiva.

Ghaldaqstant il-Qorti wara li rat l-artikoli 41(1)(a), 261(b)(c)(g), 263(a), 267, 271(g), 278(2), 280(2), 325(c), 31, 17(h) tal-Kapitolu 9 tal-Ligijiet ta' Malta, issib lill-imputat hati ta'l-akkuzi migjuba fil-konfront tieghu u tikkundannah ghal perijodu ta' seba' (7) xhur prigunerija.

Finalment il-Qorti tordna lill-imputat ihallas lir-Registratur tal-Qorti is-somma ta' sitt mija u seba' tmenin euro u wiehed u tletin centezmu (€687.31) konnessi ma'l-ispejjez peritali.

< Sentenza Finali >

---------------------------------TMIEM---------------------------------