

Kopja Informali ta' Sentenza



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

**MAGISTRAT DR.  
SAVIOUR DEMICOLI**

Seduta tat-28 ta' Settembru, 2010

Numru 130/2006

**Il-Pulizija  
(Spettur Joseph Agius)**

**VS**

**RONALD NAZZARENO AGIUS**

Il-Qorti,

Rat l-imputazzjoni li permezz taghha Ronald Nazzareno Agius, ta' 41 sena iben Joseph Andrew u Theresa nee' Gravina imwield Ghaxaq fid-29 t'Ottubru 1964 detentur ta' karta ta' l-Identita' nru 563864M u residenti 'Casa Joster' triq il-Barbazzar, Ghaxaq, Therdors Flats, No 2, Qajjenza B'Bugia.

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Billi gie akkuzat talli nhar it-02/11/04 ghal-habta ta' 19.50hrs fi Triq Matteolo Saliba, Zurrieq saq vettura tal-marka Toyota bin-numru tar-registrazzjoni KBF118 fid-direzzjoni tal-vettura tal-marka Seat Cordoba bin-numru tar-registrazzjoni FEL002 waqt li kien ma ibnu minorenni Kyle Agius bi hsieb li jaghmel feriti ta' natura gravi fuq il-persuna ta' Patrick Joseph Mooney li kien riekeb fil-vettura Seat Cordoba nru tar-registrazzjoni FEL002 u wera b'atti esterni dan il-hsieb billi ta bidu tal-esekuzzjoni ta' dan id-delitt billi habat ma l-istess vettura.

Il-Qorti giet gentilment mitluba li f'kas ta' htijja, barra l-piena stabbilita mil-ligi, taplika l-artiklu 383 (1) tal-kap 9 tal-Ligijiet ta' Malta ghas-sigurta' ta' Peter Mooney.

Semghet provi.

Rat l-atti u d-dokumenti esebiti.

Rat il-Kunsens tal-Avukat Generali li jinsab a fol. 10 tal-Process u nnutat li l-imputat Ronald Nazzareno Agius m'ghandux oggezzjoni li l-kaz tieghu jigi trattat bi procedura sommarja.

L-imputat Ronald Nazzareno Agius jinsab akkuzat f'din il-kawza b'tentattiv ta' ferita gravi fil-konfront ta' Patrick Joseph Mooney li kien riekeb fil-vettura Seat Cordoba nru tar-registrazzjoni FEL002 u dan billi l-imputat habat ma' l-istess vettura fit-02/11/04 ghal-habta ta' 19.50 hrs fi Triq Matteolo Saliba, Zurrieq meta l-imsemmi imputat kien qed isuq vettura tal-marka Toyota bin-numru tar-registrazzjoni KBF118.

Il-Qorti sejra issa ticcita bran mid-deposizzjoni ta' Patrick Joseph Mooney li fis-Seduta tal-28 ta' Settembru, 2006, inter alia, qal: “.....”

“When we arrived I noticed that accused was driving around with his van and then I noticed that accused drove his van straight into the driver's door of my car, at the time I was the driver. At that instant my daughter Donna wasn't in the car because she had ran into the shop.”  
“.....”

“Then accused got out of the van, he walked to the front of my car I was total shock, then accused made an obscene gesture towards me with his hand and then he went into the shop.” (Sottolinjar tal-Qorti).

Il-Qorti, hawn taghmel referenza ghal bran mid-deposizzjoni ta' Donna Marie Agius, li fis-Seduta tal-16 ta' Marzu, 2007, inter alia, qalet: “While I was still in the shop I heard a bang, I wish here to specify that my father remained in my car. Then I went out and noticed that my husband was in his van .....”. “I wish to add that my baby at that time was in the vehicle with my husband. Than I ran out opened the passengers door of my car. Asked my father whether he was ok. Then he replied he was ok. Then I saw the baby with my husband. The baby was still in the vehicle and my husband was still in the van. Then I went into my car. Sat in the passenger seat. My father was all white and shaky. Then my husband came out of his vehicle with the baby. He made an obscene gesture with his middle finger towards me and my father.” “.....”

I am being shown photograph on page at folio 23 at the acts of the proceedings and I wish to state that here this depicts a true picture how the van being driven by my husband went into the car being driven by my father.” (Sottolinjar tal-Qorti).

Issa il-Qorti sejra taghmel referenza ghas-segwent i bran mill-Istqarrija tal-imputat (Ara Dok JAP1):  
“Skond Patrick Joseph Mooney u l-mara tieghek Donna Marie, meta hbadt jew tajt id-daqqa fuq il-vettura FEL002, inti bdej t taghmel gesti oxxeni lej n missier il-mara Patrick Joseph Mooney, xi twiegeb ghal dan?  
Mhux veru u ma nafx kif il-mara qed tghid hekk, meta hi kienet gol-hanut.” (Sottolinjar tal-Qorti).

F'dan l-istadju il-Qorti taghmel referenza ghal bran mid-deposizzjoni tax-xhud Monica Camilleri li fi-Seduta tal-25 ta' Jannar, 2010, inter alia, qalet: “Meta seh h l-incident jiena kont qeghda xoghol.” “.....” “Fil-hin li jiena u din Donna konna qeghdin nitkellmu f'daqqa wahda

smajt hoss li nista' niddeskrivih bhala Bum. Jien x'hin harist 'il barra rajt lil van tal-imputat quddiemu u cioe' hdejn il-hgieg tal-bieb tal-hanut. Jiena u Donna hrigna barra. L-imputat nizel mill-van bit-tifel f'idu u dhalna gewwa. Nghid kif l-imputat dahal bit-tifel gol-hanut dina Donna ex mart l-imputat bidet tghajjat. Jiena smajt lil imputat jghid lil ex mara tieghu phone the police." "....." "Jiena fl-ebda hin ma rajt lil imputat jaghmel xi mossi jew gesti b'idejh." (Sottolinjar tal-Qorti).

Issa il-Qorti sejra ticcita brani mid-deposizzjoni li taha l-imputat Ronald Nazzareno Agius, minn jeddu, fis-Seduta tat-29 ta' Settembru, 2009 fejn dan, inter alia, qal: "Nghid illi fid-data tat-tnejn (2) ta' Novembru tas-sena elfejn u erbgha (2004) jien kont qieghed nirritorna t-tifel ghand il-mara tieghi u nghid dak iz-zmien jien u marti konna mifrudin." "....." "It-tifel kien qieghed fil-car seat tieghu ghaliex dak iz-zmien huwa kellu sentejn. Nghid jiena kif wasalt vicin tal-hanut tieghi, it-triq li kont ghaddej minnha, kif qieghda hija ninety degrees corner. Nghid illi jiena mbaghad kif ksirt ndunajt li ma kienx hemm parking allura ghamilt double parking mal-vettura tal-mara. Nghid illi d-distanza mill-kantuniera li semmejt ghall-hanut bhala distanza hemm madwar ghoxrin (20) pied. Jiena allura kif ksirt, peress li kont sejjer naghmel double parking, jiena mmedjatement tfajt il-karozza fid-direzzjoni ta' hdejn il-vettura tal-mara. Jiena l-manuvra kienet li l-ewwel ksirt ghan-naha tax-xellug biex nigi vicin il-vettura tal-mara u mbaghad jiena ridt nikser kontra biex nigi dritt. One to one speed nghid illi kien speed ta' kwazi xejn. Nixtieq nghid illi jiena fil-fatt meta ksirt ghan-naha tax-xellug qabel ma jiena kont intenzjonat li nikser imbaghad kontra halli mbaghad ingib il-karozza dritta, ilhaqt ilqatt il-vettura tal-mara. Fil-fatt nghid li jien kif ilqatt il-vettura tal-mara mbaghad dawwart ghan-naha l-ohra. Nixtieq nghid li jiena l-uniku skop li kelli kien illi naghmel id-double parking bl-iskop li ma ndumx hafna, f'zewg (2) minuti kont nehles, kemm naghti t-tifel lill-mara u nitlaq u nghid illi jiena kelli bil-fors jiena u naghmel id-double parking niparkja vicin hafna tal-karozza tal-mara ghax inkella minn naha l-ohra kien ikun hemm problema biex jghaddi t-traffiku. Nixtieq nghid illi jiena lanqas biss

kont naf li missier il-mara kien qiegħed Malta. Nghid jiena meta hbutt indunajt illi kien hemm missier il-mara fil-vettura.”

“ .....

“Imbagħad kif tghajt it-tifel lill-mara hriġt barra u staqsejt lil missier il-mara hux kollox sew u b'rasu għamilli s-sinjali li kollox sew, pero' baqa' gol-karozza.” (Sottolinjar tal-Qorti).

In kontro-ezami l-istess imputat, fl-istess Seduta, inter alia, qal:

“Li hu zgur kien hemm indicator zghira nieqsa pero' din kienet antacidenti għal l-incident. Nghid illi jekk kien hemm xi hsara fuq il-mudguard zgur ma gietx kagunata bil-habta metru ta' din il-kawza. Jiena nikkonferma u dana wkoll nagħmel referenza għal l-istess ritratt li jinsab a fol tlieta u ghoxrin (23) tal-Process li jiena kelli bilfors nagħmel double parking u nghanas mal-vettura Seat Cordoba biex inkun f'pozizzjoni li niparkja u dana biex inhalli spazju għal vetturi biex ikunu jistghu jghaddu mit-triq. Qed nigi muri ritratt li jinsab a fol hamsa u ghoxrin (25) tal-process, nghid illi l-hsara li hemm fuq il-mudguard tas-Seat Cordoba ma giex kagun bil-habta mertu ta' din il-kawza. Nghid dana r-ritratt stess juri li jiena ma sawaltx sal-mudguard.”

Il-Qorti tosserva li l-versjoni li l-imputat kien taha, *a tempo vergine*, lill-Pulizija fl-Istqarrija tiegħu (Ara Dok. JAP1 minn fol.41 sa fol.42 tal-process) taqbel sostanzjalment mal-versjoni li l-imputat taha meta xehed f'din il-kawza.

Fil-fehma tal-Qorti il-fatt li l-imputat kellu miegħu lill-ibnu ta' madwar sentejn (2) hi ukoll konsiderazzjoni li għandha tigi mehuda dwar is-sussistenza o meno tal-element intenzjonali tar-reat addebitat lill-imputat odiern.

Il-Qorti hi tal-fehma li mis-suespost, u hawn il-Qorti tagħmel senjatament referenza għal dak sottolinjat hawn fuq minnha, jemergu dubbji dwar is-sussistenza tal-element intenzjonali tar-reat li bih qed jigi akkuzat l-

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imputat Ronald Nazzareno Agius fil-kawza odierna. Ghaldqstant il-Qorti tiddikjara li l-akkuza migjuba kontra l-imsemmi imputat ma gietx sufficjentement ippruvata u konsegwentement tillibera lill-imputat Ronald Nazzareno Agius mill-akkuza migjuba kontra tieghu.

**< Sentenza Finali >**

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