



**COURT OF MAGISTRATES (MALTA)  
AS A COURT OF CRIMINAL JUDICATURE**

**MAGISTRATE DR.  
CAROL PERALTA**

Sitting of the 4 th April, 2013

Number. 1057/2012

**THE POLICE  
INSPECTOR CAROL FABRI**

**VS**

**DALIBOR SIRAK**

**The Court:**

Having seen the accusations brought against the accused Dalibor Sirak holder of Passport number 008156858.

**Accused that:**

On the 23<sup>rd</sup> of September 2012 at half past twelve in the afternoon (12:30hrs) at the Coast Road, Naxxar:

1. Drove a motor cycle, registration number ZR 01 037 Suzuki 1000cc, in a reckless, negligent and dangerous manner;
2. Moreover through imprudence, negligence or unskillfulness in his trade or profession, or through non-observance of any regulation, caused involuntary damages to vehicle with registration number CLM 004 make Isuzu Vacuum Truck to the detriment of Mr Ramon Fenech, holder of Identity card number 489683 (M);
3. And moreover to have driven the above mentioned motorcycle against the continuous-cum-broken-white line indicated in the mentioned road.

**The Court:**

Read the documents and accusations;

Heard the evidence produced under oath;

After having seen Article 15 (1) (a) of Chapter 65 of the Laws of Malta, Article 328 of Chapter 9 of the Laws of Malta and S. L. 65/05 – Schedule (Reg. 2), Part IV, Reg. A (c) (iv) of the Laws of Malta.

The Court after having seen the traffic regulations and after having seen the admission of the accused declares that it has no other alternative but to find the accused guilty of the accusations charged against him.

The Court after taking in consideration the following:

1. The admission of the accused at the beginning of these proceedings;
2. The medical condition of the accused;
3. His clean conduct;
4. The involuntary nature of the charges;
5. That although a harsh sentence is due this should not be one of effective imprisonment.

For these reasons and in terms of Article 28 (a) of Chapter 9 of the Laws of Malta, and after having due consideration towards the circumstances of the case, this

Informal Copy of Judgement

Court condemns the accused of a term of imprisonment of twelve (12) months but is ordering that this sentence should not be carried out unless the accused is found guilty of another offence which carries a term of imprisonment for the next three (3) years.

The Court is authorising the accused to leave the Maltese Islands and therefore, the Prosecution is hereby releasing to the attorney of the accused his passport.

The Court explained the consequences of the judgement to the accused.

**< Final Judgement >**

-----END-----