



**COURT OF MAGISTRATES (MALTA)  
AS A COURT OF CRIMINAL JUDICATURE  
Magistrate Dr Astrid May Grima B.A. LL.D. Adv. Trib. Eccles. Melit.**

**Today, 20<sup>th</sup> March 2024**

**Zurrieq Sitting**

**Police  
(Supt. Christopher Galea Scannura)**

**vs**

**Jordan Peshevski  
(127928A)**

**The Court,**

After having seen the charges brought against Jordan Peshevski, holder of Maltese identity card number 127928A.

Being charged with having on the 28<sup>th</sup> July 2023 at about 05:00hrs and 06:00hrs at Triq Pietru Pawl Saydon, Zurrieq :

1. Wilfully disturbed the public good order or the public peace;
2. Refused to give, or untruthfully gave to any public officer or any other person entrusted with a public service in the actual exercise of his duties, his name, surname, address and other particulars;
3. Disobeyed the lawful orders of PC 1536 entrusted with a public service, or hindered or obstructed such person in the exercise of his duties, or otherwise unduly interfered with the exercise of such duties;

4. At the place namely Alexandria, in Triq Pietru Pawl Saydon, Zurrieq operated or caused or suffering to be operated any wireless loud speaker, gramophone, amplifier or similar instrument, made or caused or suffered to be made any noise which shall be so loud as to cause a nuisance to occupants or inmates of any premises in the neighbourhood.

The Court may without prejudice to the provisions of any other law imposing or authorising the suspension or cancellation of, or disqualification from holding or obtaining, any warrant, licence, permit or other authority held from the Government or any other public authority.

After having seen all the documents presented in the acts of the proceedings.

After having heard the final submissions by the parties.

### **Considers**

After having seen the affidavit of Malcolm Zerafa representing MTA presented by prosecution on the 20th February 2024 whereby it results that the accused was the licensee of Alexandria Bar and Restaurant in Zurrieq which was paid until 31 December 2022 and the licence of 2023 had not yet been paid.

After having heard the accused testify that the police went to his shop at 5.00am which was closed and the door was locked. The communication between him and the police was held inside the bar. The police asked him for his identity card which he had left at home because he leaves it with his wife so he would not lose it, which is why he went the next day to the police station with his identity card. He explained that they do not play loud music at his place as it is a culture restaurant, a family restaurant with a childrens' area. After they close the shop, they put the sign closed, close the register and the door. The accused stated that however the police expect him to leave the premises and insist that he closes the shutter, although at that time he will be doing paper work inside or wants to stay on so as not to drive.

## Considers

The prosecution presented three affidavits of the Police officers who went to the premises on the 28th July 2023. All three affidavits confirm that although the door was closed, loud music was being played that could be heard from the street. The MTA licence confirms that the accused was the licensee. At no point did any of the Police officers indicate that there were other persons in the bar. Although there is reference to the accused shouting in the street this was reported by a third party who did not testify in these proceedings therefore the charge of wilfully disturbing the public peace does not result. PC 1536 and PC 420 both stated that although they ordered the accused to put off the music and close the shutter, he refused. As to the second charge of refusing to give his particulars to a public officer, although initially he refused to give his details, these were eventually given to the police after they took him to the Police station.

The accused in his evidence stated that the door of the premises was closed and locked and only the shutter was not pulled down. He stated that he had a right to stay inside once he was closed. Since the police did not state that there were any other persons inside the bar, one cannot assume that the bar was still open however it results that music was still being heard from the outside and the accused refused to turn it off. This was confirmed in the affidavits of PC1536 and PC420. For this reason the third and fourth charge are sufficiently proven.

## Decide

Therefore the Court is hereby **acquitting the accused of charge number one (1)** and after having seen Article 7, 13, 338(g) and 338(ee) of Chapter 9 and Article 41(2)(a)(b) of Chapter 10 of the Laws of Malta, **finds the accused Jordan Peshevski guilty of the second (2), third (3) and fourth (4) charge** and condemns him to the payment of a fine ammenda of fifty-eight Euro and twenty-three cents (€58.23).

**Dr. Astrid May Grima B.A. LL.D. Adv. Trib. Eccles. Melit.**  
Magistrate