



**In the Court of Magistrates (Malta)
As a Court of Criminal Judicature**

Magistrate Dr. Donatella M. Frendo Dimech LL.D., Mag. Jur. (Int. Law)

St. Julian's District Sitting

The Police

-vs-

**Malo Henri Pierre Antoine De Parscau Du Plessix, bearer of French
Passport No.23A146585**

Case No. 4390/24

Today the 14th January, 2025

The Court,

Having seen the charges brought against the defendant;

Having heard witnesses;

Having seen all the acts and documents exhibited;

Having heard the prosecution and defence counsel make their final submissions;

Considered,

Christopher Grech, the complainant, testified how music coming from Marco Polo Hostel was being played at all hours but how the high pitch and volume being played during the night and early hours of the morning, that is when one is trying to get some sleep, was such as was causing immense discomfort for him and his family.

Malcolm Zerafa, in representation of the Malta Tourism Authority, exhibited documentation which shows that the said establishment was licensed as a Third Class Restaurant. More importantly Zerafa pointed out that the said establishment was not permitted nor licensed by the MTA to play music.¹ Moreover documentation presented by the witness shows that as from the **20th March 2024, the defendant was one of the registered substitutes of the premises and as such bearing full responsibility for the management and activities carried on the said premises.**

Punishment

The Court notes that the principle of concurrence of punishments applies with respect to the second and third charges with the graver punishment being that contemplated by Article 319 of the Code of Police Laws which foresees the imposition of a fine, multa, as well as a punishment of imprisonment of up to one month.

In view of the foregoing, the Court, having seen articles 17, 18 and 31 of the Criminal Code, Chapter 9 of the Laws of Malta, article 41(2)(a)(b) and 319 of the Code of Police Laws, Chapter 10 of the Laws of Malta, regulations 23 and 27 of the Shops for the Sale of Wine, Beer or Spirituous Liquors (Licences, Good Order and Public Decorum) Regulations (S.L.10.09), Articles 18 and 20 of the Trading Licences Act, Chapter 441 of the Laws of Malta and regulations 15(2), 58, and Para. 9 of the Second Schedule to the Trading Licences Regulations, (S.L.441.07), finds the defendant guilty of all charges brought against him and condemns him to a fine, *multa*, of **four hundred and fifty Euros (€450).**

Dr. Donatella M. Frendo Dimech
Magistrate

¹ Testimony of the 5th November, 2024