

ICAC v Hing Yan WONG MAN WAN

2014 INT 17

IN THE INTERMEDIATE COURT OF MAURITIUS  
(CRIMINAL SIDE)

In the matter of :-

C.No. **1/2011**

Independent Commission Against Corruption v Hing Yan WONG MAN WAN

**J U D G M E N T**

Accused, the Marketing Manager of the National Housing Development Company [NHDC] stands charged with an offence in breach of section 13(2) & (3) Prevention of Corruption Act [ POCA], namely, ‘ ... *whilst being a public official whose **relative** had a personal interest in a decision which a public body had to take, took part in the proceedings of the public body relating to such decision*”.

The particulars of the case are reproduced below for ease of reference :-

“... *on or about 3 June 2005 ... [Accused] took part in the [NHDC’s] Credit Committee wherein the application for his minor daughter Wen Lee Wong Man Wan [ also known as ‘ Huang Wen Li’ & ‘ Wen Li Wong Man Wan’] to buy flat E-16 at the Exim Housing project was Mon Choisy was approved*”

Accused [also referred to as ‘Mr Wong’ and “Raymond Wong”] pleaded **Not Guilty** and is assisted in his defence by Mr.R.Chetty SC. The Prosecution was conducted by Mr Roopchand.

The gist of the Prosecution’s case is as follows :-

The NHDC’s Exim Mon Choisy project was targeted to the middle class and as such the then Marketing Executive Mrs Kwoon was delegated to handle same..

It is not disputed that on the 3<sup>rd</sup> June 2005 a *special credit committee* was held as regards prospective purchase of 11 Housing units at Mon Choisy by

NHDC staff and staff's minor children – [see *Doc E* and referred to as “the CC”]. The purpose of the CC is to formally approve, by way of majority vote, the eligibility of a purchaser for credit facilities as regards the prospective purchase of a housing unit (which said Application had already been through a preliminary screening process by the Customer Relations Officer, the Marketing Executive and finally the Marketing Manager ). It was no secret to any of the members of the CC that this particular CC was being held as regards purchase of housing units by staff and/or staff's children and as regards which a (preferential) minimum deposit of Rs.100,000.- was required to be paid as opposed to the prescribed Rs.200,000.- for members of the public.

As per *Doc R* dated 6<sup>th</sup> May 2005, the CC was to be constituted of the (1) *Managing Director*, (2) *Finance Manager*, (3) *Marketing Manager/Accused*, (4) *Marketing Executive*, (5) *Customer Relations Officer*, (6) *Senior Accounts Clerk*.

Through the evidence adduced it was seen that at the material time Mr Khodabaccus was the Managing Director, Mr Parmessur was the Finance Manager, Accused was the Marketing Manager, Mrs Kwoon was the Marketing Executive, Mrs Yannick Damoo-Dilmohamed was the Customer Relations Officer and the Senior Accounts Clerk was Mr Lai.

Accused, the Marketing Manager was present at the CC. It is of relevance that all Applications are screened and vetted before being eventually submitted to a Credit Committee by the Marketing Manager who does the *final* verification of files – see *pg 5 of transcript of 15 July 2013*.

Accused's adopted daughter Wen Li [ adopted by way of ‘*Adoption Simple*’ on 10 November 2000 - see copy of Rule/ *Doc D*] is *Applicant No.11 on Doc E*.

As per *pg 10 of Doc C*, Rs.50,000.- had been paid as Reservation Fee since 27 February 2004.

And as per *Doc M* dated 7 June 2005, minor Applicant Wen Li was formally informed that her Application had been approved and the terms of payment set down therein.

The purchase did not materialize in as much as Accused informed the NHDC that he was no longer interested in same – see *pg 13 of Doc C- Letter dated 7 July 2005*.

**Mrs Rooksana Allybokus** was, at the material time, a confidential secretary and assistant to the now retired Executive Secretary Mrs Lecordier. Mrs Allybokus was *requested* to attend that CC as “*Secretary*” [no mention is made as to the whereabouts of the Executive Secretary on the day of the CC]. She drew up *Doc E* and fairly conceded that it was the first time she was taking down such notes. She based herself as per the contents of a standard minute and agreed that *Doc E* does not mention that the notes were in fact “Minutes” of the CC and she also clarified that she did not note the actual discussions between the persons present and merely noted whatever the Chairperson told her to note more especially the “**Approvals**” he made (*which were made after discussion*). Any amendment to the notes was subsequently made by the Chairperson who would correct the draft submitted to him. And she did not remember if anyone left the room during the discussions at CC and did not know if she would have made a note if someone had left the room – see *pg 9-14 of transcript 15 July 2013*.

*Doc E* indicates that Mr Khodabaccus, the Chairperson of the CC, Mr Parmessur and Mr Wong were present as Members - together with Mr Lai, Mrs Kwoon and Mrs Damoo-Dilmohamed. The children of Messrs Khodabaccus, Parmessur and Wong had pending Applications before the CC. Mrs Rooksana Allybokus is indicated as being “*in attendance*” and her son also had a pending Application before the CC.

**Mrs Yannick Damoo-Dilmohamed** was the Customer Relations Officer at the material time. She deposed that she was present at the proceedings of the CC, which she described as an “*exceptional committee*” held for the eligibility of the client and for approving assessment forms (as opposed to “allocation”) - see *pg 20-21 of transcript dated 15 July 2013*. The proceedings were very swift and even perfunctory as prior assessment of eligibility had already been done and only eligible Applications are tabled at the CC. The decision is taken by majority vote.

Accused was present at the CC but had nothing to say at that stage when his daughter’s file was called for consideration. The latter abstained from participating in the proceedings and his daughter’s application was practically automatically approved by herself/Mrs Damoo-Dilmohamed and the two other members who did not have an interest in the applications in the CC – see *pg 24-28 & 32 of transcript dated 15 July 2013*. As was the case for the 3 other

applications as regards the members of the CC whose children had applications pending before the CC. The other applications which did not involve members of the CC's children were approved by the 6 members of the CC. It was also explained that had Wen Li not been found eligible at CC stage she would not have been eligible to purchase the flat.

**Mrs Kwoon** was the Marketing Manager and a member of the CC at the material time. She stated that Messrs Khodabaccus/Managing Director, Parmessur/Finance Manager and Accused/Marketing Manager had the voting power on the CC and all 11 Applications before the CC, as regards approval of requests for credit facilities in respect of the sale of the units, were approved by the 3 abovementioned persons – see *pg 3,4 of transcript dated 13 September 2013*.

**Mr Lai**, Senior Finance Officer, had at a prior stage independently and without interference verified the credit eligibility of the Application/s. He did so again at CC stage and deposed that all the members of the CC – which he described as “*,,, the whole committee ...*” approved the 11 applications before the CC – see *pg 19 & 22 of transcript dated 13 September 2013*. He gave the names of Mr Khodabaccus, Mr Parmessur, Mr Wong, Mr Lan, himself, Mrs Kwoon and Mrs Dilmohamed as the ones composing the “*whole committee*”.

**Mrs Punchoory**, then Marketing Assistant deposed that generally, recommended cases were submitted for approval to a CC *before* proceeding with the “*allocation procedures*” – see *pg 5 of transcript 15 July 2013*.

After the close of the case for the Prosecution, **Accused deposed under oath** and swore as to the correctness of his defence statement dated 21 November 2007. Accused explained that he was still in employment at the NHDC as Marketing Manager. He considered *Doc E* as being merely Notes recording the Decision of the CC as opposed to being properly drawn up “Minutes with an Agenda”.

Accused stated that the CC lasted for five minutes at the most - with each Application taking 5 to 10 seconds. When his daughter's Application was called, he signaled to the Chairperson that he was going out, did not participate in the decision-making process and had barely reached the door when he observed that the CC Meeting was over. The Application as regards his daughter was eventually not formally proceeded with and Accused was the only person

prosecuted. Accused stated that prior to the CC he had informally signified his intention not to proceed with the Application and stated that Mrs Kwoon had referred his daughter's Application to the CC .

## **S u b m i s s i o n s**

Written and Oral Submissions were offered to the Court - the gist of which are reproduced below for ease of reference.

**The Prosecution submitted** that its case had been proved beyond all reasonable doubt. It had not been disputed that the NHDC was a "*public body*" and accordingly, Accused, being an employee of the NHDC considered as a government company was a "*public official*".

As regards the element of "*relative*", the Prosecution submitted amongst other matters that Wen Li was a « *lineal descendant*” of Accused and her "*adoption simple*” was such that “... *l’adopté a des droits successoraux dans la famille de l’adoptant ...*” see *Encyclopedie Dalloz- Adoption – Chap 2, Section 3 –L’effets de l’adoption simple – Art 2* and as per *Encyclopedie Dalloz on ‘Filiation’ – Chap 1, Sect 1-Art2 s 2 ...l’adoption produit les memes effets que la filiation legitime ... l’adoption est une filiation subsidiaire et pour l’enfant une filiation nouvelle qui detruit sa filiation naturelle anterieure ( adoption pleniere) ou qui s’y surajoute (adoption simple) ...*”

As for "*Personal interest*" - it was submitted that same was demonstrated by Accused's involvement in the assessment procedures of eligibility, vetting same and submitting same to the CC.

As regards Accused's participation in the proceedings approving his daughter's Application, it was submitted that Mrs Kwoon and Mr Lai confirmed that Accused was present as a member of the CC and approved the Application/s. And that Mrs Kwoon, Mr Lai and Mrs Damoo-Dilmohamed had stated that Accused had not left the room, thereby giving the lie to Accused's version.

The Prosecution further submitted that the CC could not have ended as quickly as Accused would have the Court believe as Mr Lai had had to check the

data once again and that Mrs Damoo-Dilmohamed's initial testimony on the aspect that as regards an 'approved' case- all 6 members voted thereon, could not be relied upon in as much as she subsequently stated that Accused had not voted. It was also submitted that Mrs Damoo-Dilmohamed who was and is working under Accused's supervision had not been very forthcoming with her answers and had even been urged by the Court to depose freely. Reference was made to ***Hossany v PSC [2008 SCJ 4]*** on the perception of bias.

And finally, the Prosecution submitted that it was irrelevant that the sale to Accused's adopted daughter did not materialize and that there was no evidence to suggest that only Accused had been prosecuted.

**The Defence** submitted that since criminal statutes should be strictly interpreted, the Prosecution had not adduced expert evidence to prove that the definition of 'relative' included "a child adopted by way of Adoption Simple" - when in the teeth of Art 357 Code Civil that child "... *reste dans sa famille d'origine et y conserve tous ses droits, notamment ses droits hereditaires ...*" and that an *adoption simple* is also revocable under certain circumstances – see Art 363 Code Civil.

The Defence further submitted, in the alternative, that that the CC is an administrative organ taking administrative decisions which are not final, binding and non reviewable. Furthermore there was no evidence as to how Authority had been given to the NHDC officers to proceed with court applications as regards the sale to Minors and the Notary formalities. No one at the NHDC subsequently questioned the procedure of the CC and the NHDC (as opposed to the CC) thereafter applied to the Judge in Chambers and proceeded with the Sale to Minors. Emphasis was laid on the fact that the CC was not to be assimilated to the NHDC which was the Vendor.

It was further submitted by the defence that since all the Applications before the CC were in some manner '*conflicted*' and everyone present at the CC was aware of same, the issue of conflict of interest does not arise and the Administrative Law *Doctrine of Necessity* renders this particular decision making process permissible. Reference is made to the testimony of Mrs.Damoo-Dilmohamed at *pg 28 of transcript 15 July 2013* as regards Accused's daughter.

The Defence furthermore submitted that from the Members entitled to take decisions, at least three, Messrs Khodabaccus, Mr Parmessur and Mr Wong

were conflicted - accordingly, if such was the case, the CC could not have been convened. And the Prosecution failed to canvass that there was a valid, alternative decision-making organ to the CC. Accordingly, the CC as composed by Necessity had to sit to consider the Applications – see ***Mohapatra v State of Orissa [1984]*** quoting the Canadian case of ***The Judges v Attorney General for Saskatchewan [1937] 53 The Times law Reports 464 (1937)***.

And the final Submission on the part of the defence is that the Prosecution had failed to prove that Accused was in the room *and* participated in the deliberations pertaining to his daughter's Application which took place very quickly. And it was no fault of the Accused that the Secretary of the CC recorded the decision/s only.

After perusal of the evidence on record and the Submissions of counsel, this Court is of the considered opinion that this is a fit case to be dismissed and this for the following reasons given which are to be read comprehensively.

Section 13(2) POCA as well as the definition of "relative" are reproduced below for ease of reference :-

### **13. Conflict of interests**

...

**(2) Where a public official or a relative or associate of his has a personal interest in a decision which a public body is to take, that public official shall not vote or take part in any proceedings of that public body relating to such decision.**

....

**"relative", in relation to a person, means –**

- (a) a spouse or conjugal partner of that person;**
- (b) a brother or sister of that person;**
- (c) a brother or sister of the spouse of that person; or**
- (d) any lineal ascendant or descendant of that person;**

### **❖ Key elements of the offence**

It is incumbent upon the Prosecution to prove (a) that Accused was a *public official* whose (b) "relative" had (c) a *personal interest* in (d) a *decision* which a

*public body* was to take and that Accused (e) *participated in the CC* wherein his daughter's Application to Purchase the flat was approved.

**Item (a)** - It is not disputed that Accused, being an employee of the NHDC, is indeed a "**public official**".

**Item (b)** - Whether Wen Li, being an adopted child - adopted by way of *Adoption Simple*, is a "**relative**" within the definition given under the POCA is another matter.

Indeed, the POCA definition of "*relative*" does not include "*adopted child*" and in the absence of any such description, this Court would be loath to consider an "*adopted child*" as a "*relative*" to Accused within the parameters of the POCA and/or consider her as being a "*lineal descendant*" of Accused.

The fact that a child adopted by way of *adoption simple ... a des droits successoraux dans la famille de l'adoptant ...* and this entails a *... filiation subsidiaire et pour l'enfant une filiation nouvelle qui s'y surajoute ...*" – see *Prosecution's submissions [supra]* is neither here nor there. Indeed, for the sake of legal argument, a person might choose another person totally unrelated to him to inherit from him by way of a *Will/testament* – thereby establishing a *droit successoral* without any *filiation nouvelle* having being established.

*Art 357 alinea 1 Code Civil* prescribes that it is open to the Judge in Chambers to decide if the adopted child will/will not take the name of the adopting parent or whether the child will keep the name of the biological parents and add thereto the name of the adopting parents. *Art 357 alinea 2* prescribes that "*... l'adopté reste dans sa famille d'origine et y conserve tous ses droits, notamment ses droit héréditaires.....*" » and *Art 363 Code Civil* also provides that « *... l'adoption peut être révoquée à la demande de l'adoptant ou de l'adopté...* ».

For all the reasons set forth above, In view of the aspect/s of "*duality*" and "*non-finality*" of the *Adoption Simple*, in the teeth of the silence of the enactment, in the absence of any specific mention that an "*adopted child*" is a "*relative*" for the purposes of the POCA; and according to a strict interpretation of statute, this Court is **not** prepared to consider Wen Li - despite having been adopted by Accused and having a (revocable) *lien successoral* on the side of the new adopted family whilst conserving her rights of inheritance in her biological family



- as a “*lineal descendant/relative*” of Accused, within the parameters of the POCA.

An *a contrario* hypothetical argument would be whether, after Wen Li’s Adoption by the Wongs, whether for the purposes of the POCA, her biological mother, father, brother, sister would have been considered as a “*relative/lineal ascendant*”.

**Item (c)** - It is obvious that Wen Li being an Applicant to purchase an NHDC apartment would have a “***personal interest***” in same. Indeed, as per *last page of Doc C*, she was merely 7 years old at the material time and is designated as ‘*main buyer*’. And the Court cannot help noting that Wen Li was ‘*guaranteed*’ by Accused and his wife – see *pg 3, 14 of Doc C, Doc M* - the inference being that Accused would have had to bear the costs of repayment and therefore can, in a certain manner, be considered as having a “*personal interest*” in the matter. However, the information refers to a “ ***...relative who had a personal interest...***”.

The Prosecution’s contention that Accused had a *personal interest* in his daughter’s Application because he handled her file is not exactly true as the tenor of the evidence before the Court is such that a lot of the paper work is done by other officers and not necessarily Accused who merely verified the Applications and tables the List of Applicants before the CC. Indeed, Mr Lai, in his capacity as Senior Finance Officer and being in the CC, had worked upon the credit worthiness of each Applicant.

**Item (d) - “Decision to be taken by Public body”**- The ‘*Public Body*’ cannot be other than the ‘NHDC’ {as opposed to the CC} and there are no details/evidence as to the “ *decision that the public body/NHDC had to take ...*”- see *information*.

Could the “*decision*” possibly be “*The NHDC’s decision to Sell to Wen Li*”? The evidence and the information are silent on this point. In fact there is no evidence on record that the NHDC took *any* such decision.

As per the Particulars, is it the case for the Prosecution that the CC took the decision of ‘*approving*’ Wen Li’s Application to Purchase? The evidence reveals that the CC did no such Approval.

The general tenor of the evidence is that the CC is held as regards the eligibility of Prospective buyers amongst Staff and Minor children of Staff to obtain credit facilities. There is no evidence that the CC was held to formally Approve Sale of the NHDC units.

It would be absurd to assimilate the CC to the NHDC and one must be careful not to confuse 'entities'. It is a matter of fact that the NHDC, as a public body, was the Vendor of the apartments. Before Proceeding with the formalities for the Sale/s be it to staff or minors, there must have been some sort of a formal Approval to Sell by NHDC Board - of which there is no evidence – in order to endow the relevant NHDC officers entrusted with seeing the Sale through with the required Authority to do so. A mere CC with " Approved" mentioned on same cannot endow NHDC officers with the authority to initiate Sale proceedings.

Indeed, it was **not the CC**, albeit being an organ of the NHDC public body that took an administrative step within the Sale Process at the NHDC, that took the decision to Sell the Apartments. And it is of relevance that as per *pg 3 &14 of Doc C*, it is Mr Parmessur in his (doubly conflicted) capacity of Finance Manager of **NHDC** ( *as opposed to signing as a member of the CC*) who signs *Doc M* addressed to Wen Li informing her on behalf of the *NHDC* that her Application had been approved, setting out the repayment terms and asking her to call at NHDC office..

**Item (d) (i)** – *How, if at all, was the Decision taken to "Approve the Sale" to Wen Li? And which body took that decision?*

The CC is a mere administrative body within the NHDC constituted to approve the *credit eligibility* of Applicants - in this case Applications had been subjected to a prior screening, found adequate and hence forwarded to the CC. In fact there is no evidence on record that the NHDC took *any* decision.

There is no evidence on record either that the CC approved Wen Li's *Application to Purchase* - as laid out in the Particulars or even that the NHDC had approved same.

Indeed, in the normal course of things, one would have expected the **NHDC Board** to have taken cognizance of the CC's Conclusions before formally approving any Application to Purchase - more especially so in the case of such a sensitive issue such as Purchase by Staff and Minors who were children of staff.

Far be it for the Court to comment on the manner in which this matter was conducted but the amateurish contents of *Doc E* are indicative of the blatant and utter disregard of the Rules of Natural Justice and the Perception of bias – unless everyone on the CC was blissfully unaware that they were committing a gross impropriety.

*Doc E* is styled as the 3<sup>rd</sup> *Credit Committee* and appears to mention that as regards some Applicants that credit facilities have been extended over a certain number of years ranging from 10-15. No details of deliberations/discussions - if any - have been noted. And the Court declines to rely on such a document as being a document confirming that “Applications to Purchase flats” were Approved.

***Item (e)*** - The Particulars of the information are restricted to ***Accused taking part in the CC wherein Wen Li’s Application To Purchase was approved*** [ see *Particulars of information at pg 1*].

Items (d) & (d)(i) have amply explained that the CC was not held to Approve Applications to Purchase.

The Prosecution cannot have it every way it chooses. The body of the information describes that *Accused had a relative who had a personal interest in a decision that the public body had to take and he participated in the “proceedings of the public body relating to such decision”*.

And the Particulars refer to the fact that *Accused took part in the CC which approved his daughter’s Application to purchase a flat*.

***Item (e)(i)*** - *Is it the case for the Prosecution that the CC are “ proceedings” of the NHDC that led to The Decision?*

It cannot be that the Approval of Credit Facilities by the CC is considered as “proceedings” of the NHDC *per se*. This can be but a single step in the process of Sale by NHDC. The Court reiterates the observations made in Item (d) & (d)(i) above.

***Item (e)(ii)*** – *Did Accused participate in the CC?*

It is not disputed that Accused was present at the CC but that does not mean that he participated in the deliberations as regards his daughter's case..

The Court considers Mrs Damoo-Dilmohamed's testimony as being the most pertinent on this issue and notes that the Prosecution is converting an innocuous remark made by the Court - that she could talk freely, into an issue that she was not forthcoming in her answers.

Indeed, the Court did urge Mrs Damoo-Dilmohamed to talk freely *in creole* – see *pg 26 of transcript 15 July 2013* - because she had some difficulty deposing in English. The record shows that thereafter she deposed in creole. And her testimony, in the opinion of the Court, is by far the most satisfactory and coherent as opposed to the rather halting and confused answers of Mrs Kwoon and Mr Lai and the Court believes her when she says that Accused did *not* participate in the deliberations as regards his daughter's Application.

A perusal of Mrs Damoo-Dilmohamed's testimony reveals that she was at all times very clear that Accused *did not* take part in the proceedings relating to his daughter's Application. And the Court is rather taken aback at the Prosecution's veiled suggestion that her testimony might be tainted as she was and is still working under Accused's supervision. Indeed, Mrs Damoo-Dilmohamed is a Prosecution witness who and if the Prosecution viewed her in that vein, it was open to the Prosecution not to have called her.

Be that as it may, to all intents and purposes, Mrs Damoo-Dilmohamed is considered as a witness of truth and the Court has no hesitation in acting upon her testimony.

Furthermore, in the absence of properly drawn up and Approved Minutes of CC , recording the deliberations and votes, in the absence of any document endowing voting power on which member/s of the CC and in the teeth of Mrs Allybokus' candid admission that those notes recorded only the "Approvals" - (whatever they could have been) and those Notes could have been thereafter amended by the Managing Director, this Court is

- not prepared to read into the words '*Approved*' in the CC anything other than that credit facilities had been granted to the Applicants,
- declines to make a rather convoluted finding that the CC "*Approved*" the Applications to Purchase of the Applicants

- and/or that Accused participated in the CC proceedings as regards his daughter's Application.

As for Accused's version under oath, he consistently maintained that albeit being present, he did not participate in the CC as regards his daughter's Application and in the teeth of the evidence on record and his plausible explanation consistent with that of Mrs Damoo-Dilmohamed, this Court has no reason to disbelieve him. Mrs Kwoon and Mr Lai seemed a bit vague about the entire CC proceedings and the Court is of opinion that the "... *exceptional* CC ..." indeed took place exceptionally quickly in as much as the CC appears to have been a mere formality and could not have taken as long as Mr Lai contends - to have permitted him to check the data again. This would mean that he had not done the necessary credit eligibility of the Applicant which was a necessary procedure to be carried out *before* the List of Applicants is tabled at the CC.

It is obvious that none of the (conflicted) members of the CC had any inkling of the impropriety they were committing by taking part in the CC wherein their children had pending Applications and if they did, they just did not seem bothered about same in their indecent haste to wrap up all formalities. The tenor of all the testimonies when viewed globally are such that the CC was a mere rubber-stamp as regards the prior assessment of an Applicant's eligibility for credit facilities in respect of a prospective NHDC flat purchase. And the Prosecution's veiled suggestion that Accused favourably processed his daughter's Application – as part of his/her 'personal interest' - is neither here nor there in the absence of evidence to that effect and is not the subject matter before the Court. The evidence has revealed that a lot of the ground work as regards the Application are done by various staff members as opposed to Accused alone.

As for the Doctrine of Necessity raised by the Defence, the Court would simply say that it would have been of relevance if there had been *no other competent person other than Accused to adjudicate/vote on the CC, thereby leading to a break down in the machinery of administration – see ratio in Mohapatra [supra]*. True it is that the unsigned Memorandum *Doc R* from the Managing Director, gives the name of Accused amongst others as being Members of the CC but the Court notes the lack of formality therein and that it does not stipulate who has/has not any Voting Power. A request could have been

made to avoid a conflict of interest and there could have been Substitute Names suggested to make up the CC Quorum. A mere CC - however exceptional - held as part of the NHDC's Sale Procedure - is not a matter where the Principle of Natural Justice would have had to give way to Necessity.

For all the reasons set forth above, this Court is of considered opinion that the evidence adduced by the Prosecution falls short of proving beyond reasonable doubt that as per information Accused, whose relative had a personal interest in a decision that a public body had to take, took part in the proceedings of that public body relating to such decision.

**In the circumstances as the Prosecution has failed to prove its case against Accused beyond all reasonable doubt, the case is dismissed against the Accused.**

**Prohibition Order to lapse after delay of appeal expires unless appeal lodged in the meantime.**

Dated this 23<sup>rd</sup> day of January 2014.

*N.Ramsoondar,*  
*Magistrate, Intermediate Court (Criminal)*

