

ICAC v/s Komardath Singh Sicharam C/N 271/07

The accused was prosecuted before the Intermediate Court for the offence of 'Influencing public official' in breach of section 9 of the Prevention of Corruption Act 2002. The prosecution case was that the accused had exercised pressure by means of threat upon a Planning Officer at the Black River District Council so that the latter made a favourable recommendation to the Planning Committee in respect of an application for a development permit. The Court was satisfied that the prosecution had proved its case beyond reasonable doubt and found the accused guilty as charged. On 14 November 2008 the accused was sentenced to 3 months imprisonment and was ordered to pay Rs 500 as costs.

ICAC v/s Suresh Mahadeo – C/N 501/08 (Ruling)

The accused is being prosecuted before the Intermediate Court for two charges of bribery by public official and one charge of public official using his office for gratification in breach of the Prevention of Corruption Act 2002. Counsel for the accused had moved for a variation of the prohibition order issued against the latter. On 19 September 2008 the Court refused to vary the prohibition order and held that: " This Court cannot be oblivious to the fact that the application was originally made for medical reasons and pressed on. This reason was dropped when ICAC successfully proved that it was not a genuine and or valid reason. After having heard the Defendant deposing, this Court entertains some serious doubts as to the genuineness and veracity of the present application to vary the prohibition order. "

ICAC v/s (1) Ramesh Koomar Parayag, (2) BhardawazHeerah – C/N 1775/04

Accused No 1 was prosecuted before the Intermediate Court under count 1 for the offence of 'Bribery by public official' in breach of sections 4(1) (e) and (2) of the Prevention of Corruption Act 2002 (POCA). Accused No 2 was prosecuted under

count 2 for the offence of 'Aiding and abetting the author of a crime' in breach of section 38 of the Criminal Code and sections 4(1) (e) and (2) of the POCA. Accused No 1, whilst being an Assistant Secretary at the Ministry of Land and Shipping sitting as a member of the Licensing Committee of the National Transport Authority, had solicited a sum of Rs15, 000 from Mr Veera-Pillay, for other persons, in order to help the said Mr Veera-Pillay to obtain 3 psvl contract cars NYP licences. A 'sting operation' conducted by ICAC officers led to the arrest of Accused No 1 and No 2 when Accused No 1 was remitting the said money to Mr Veera-Pillay. On 15 September 2008 the Court, being satisfied that all the elements of the offence had been proved beyond reasonable doubt, found Accused No 1 guilty as charged and dismissed the charge against Accused No 2. Accused No1 was sentenced to 6 months imprisonment and ordered to pay Rs 1,000 as costs.

ICAC v/s VisnooParsadMatadeen – C/N 1055/07

The accused was prosecuted before the Intermediate Court for the offence of 'Traffic d'influence' in breach of sections 10(4) and 83 of the Prevention of Corruption Act 2002. The accused had obtained Rs 10,000 as gratification from a person, for himself, in order to make use of his fictitious influence, to enable the latter's son to secure an employment from a public body, namely the MokaFlacq District Council. He was found guilty and was sentenced to undergo six weeks imprisonment and to pay Rs 500 as costs on 27 August 2008.

ICAC v/s (1) NimrajsinghJugmohun, (2) Geereesh Kumar Puryag – C/N 42/07

Accused No 1 and accused No 2, police officers, were prosecuted before the Intermediate Court under counts 1, 2 and 3 for the offence of 'Public official using his position for gratification' in breach of sections 7(1) and 83 of the Prevention of Corruption Act 2002. Accused No 1 had allegedly obtained, for himself, the sums of

Rs 1,000 and Rs 4,000 from a suspect in a case under investigation while accused No 2 had allegedly obtained, for himself, the sum of Rs 400 from the suspect. On 7 August 2008 the Court found that the two accused should be granted the benefit of the doubt and the three counts were accordingly dismissed.

ICAC v/s Jean Arnulphy – C/N 473/08

The accused pleaded guilty of having obtained from another person, for himself, the sums of Rs 30,000 and 4,000 Euros as gratification for doing an act in relation to his principal's business, under counts 1 and 2 respectively, and of having solicited from another person, for himself, the sum of Rs 68,536 as gratification for having done an act in relation to his principal's business, under count 3, in breach of sections 16(1) and 83 of the Prevention of Corruption Act 2002. The Intermediate Court sentenced the accused to 12 months' imprisonment on 4 August 2008. The sentence was converted to 12 weeks of Community Service on 28 August 2008.

ICAC v/s Mohammad Iqbal Dauhoo – C/N 227/08 (Ruling)

The accused was charged with the offence of 'Traffic d'influence' in breach of section 10(4) of the Prevention of Corruption Act 2002 (PoCA). The Court found that the information did not disclose an offence under PoCA since the definition of a 'Public body' does not include the Master and Registrar. The information was therefore struck out on 23 July 2008.

ICAC v/s 1. RambansSalick, 2. Sobid Bissessur C/N 1466/04

Accused No 1 and accused No 2, police officers, were prosecuted before the Intermediate court under counts 1 and 2 of the information respectively for the offence of bribery by a public official in breach of section 4(1)(b) of the Prevention

of Corruption Act 2002. Accused No 1 solicited Rs 300 from the complainant for cancelling a contravention which the latter had obtained for failing to wear his seat belt. The complainant presented Rs 200 and accused No 2 took same. Both accused were found guilty and sentenced to three months imprisonment on 10 July 2008. In the reaching the sentence the court held that "The amount involved in the present case is only Rs 200 but by showing leniency in passing a non-custodial sentence, this court would be sending the wrong signal to other public officers that taking a small amount is acceptable and would be tolerated."

Police v Louis Michael Jose C/N 98/08

The accused was prosecuted before the Intermediate Court for the offence of making a false disclosure under section 49 (6) of the Prevention of Corruption Act 2002. The accused had made a false disclosure to an officer of the ICAC to the effect that a public official had been involved in an act of corruption, knowing it to be false. He was found guilty and was sentenced to pay a fine of Rs 10,000 and Rs 200 costs on 13 June 2008.

ICAC v/s Balakrishna Hamtohu – C/N 1054/07

The accused, a Police Sergeant was prosecuted before the Intermediate Court, under 3 counts for breaching Sections 11(a) and 83 of the Prevention and Corruption Act (POCA) 2002. The accused received a gratification of about Rs 11,000/ from the complainant. He made the complainant believe that he could secure a provisional as well as a competent driving licence for him, when in truth and in fact he was not empowered to do so. He was found guilty and sentenced to nine months imprisonment on 20 February 2008.

Police v Marie NatachaRangasamy and Luciano Tony Curtis Bowanee - C/N 400/09

(Ruling)

Accused No 1 is being prosecuted before the Intermediate Court under 11 counts for the offence of money laundering and under 2 other counts he stand jointly charged with Accused No 2 with conspiracy to commit the offence of money laundering in breach of sections 3(1), (b), 4, 6(3) and 8 of the Financial Intelligence and Anti-Money Laundering Act 2002 (FIAMLA). Counsel for Accused No 1 had objected to the production of the bank statements of Accused No 1 which date (1) prior to the coming into force of the FIAMLA in 2002, i.e. from 07.05.99 to 10.06.02 and (2) after the dates mentioned in the information i.e. from 11.10.04 to 31.08.06. The Court held that: "...the FIAMLA cannot be applied with retroactive effect. Thus it is the considered view of this court that it would be precluded from looking into circumstances which could have occurred prior to the coming into force of the FIAMLA." Therefore on 28 January 2008, the objection to the production of bank statement of Accused No 1 from 07.05.99 to 10.06.02 was upheld whereas the prosecution was allowed to produce bank statements dating 11.10.04 to 31.08.06 since money laundering is a continuous offence.

ICAC v/s Tatayah- C/N 898/07

The accused pleaded guilty for having offered a gratification to a public official for having done an act in breach of Sections 5(1) (b) (2) of the Prevention and Corruption Act 2002. The accused remitted sums of Rs 2,000/ to a public official employed at the National Transport Authority for having issued B Carriers' Licence in breach of established procedures. The Intermediate Court sentenced the accused to six months' imprisonment on 17 Jan 2008. The sentence was converted to 250 hrs of Community Service on 31 January 2008.