

ICAC v Anwarhusein Ramjaun – C/N 1326/09

The accused was prosecuted before the Intermediate Court for the offence of limitation of payment in cash in breach of sections 5(1) and 8 of the Financial Intelligence and Anti Money Laundering Act 2002. He had made payment of Rs 750,000 in cash for the purchase of an apartment situated at Wolmar. On 11 December 2009 the accused was sentenced to pay a fine of Rs100,000.

ICAC v Georges Ferdinand – C/N 1081/08

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. He had obtained a sum of Rs 3,000 from a person by making latter believe that since he was working at Line Barracks he could obtain a driving licence for motor bus for him from the traffic branch without him having to undergo any test. In a judgment delivered on 18 November 2009, the Intermediate Court found the accused guilty and sentenced him to 12 months imprisonment.

ICAC v Pregalarden Murugan – C/N 668/09

The accused was prosecuted before the Intermediate Court, under 2 counts, for the offence of limitation of payment in cash in breach of section 5(1) and 8 of the Financial Intelligence and Anti-Money Laundering Act 2002. The accused, an astrologer, had made a payment of Rs 513,000 in cash on 31 May 2004 and had made a deposit of Rs 725,000 in cash in his bank account on 18 July 2006. On 13 November 2009 the accused was sentenced to pay a fine of 5,000 under count 1 and Rs 10,000 under count 2.

#### ICAC v Jean Eric Gerard Bonne – C/N 878/09

The accused was prosecuted before the Intermediate Court, under 4 counts, for the offence of money laundering in breach of sections 3(1)(b), 3(1)(a) and 8 of the Financial Intelligence and Anti-Money Laundering Act 2002. The accused, whilst being a cashier at MCB at Lallmatie branch, withdrew money from a client's account and deposited it in his bank account. He was charged of being in possession of Rs 20,000 (count 1) and Rs 14,000 (count 2) in his bank account, sums which he suspected to have been derived in part directly from a crime. In addition he had deposited Rs 29,000 (count 3) and Rs 5,000 (count 4) in a bank account, sums which he suspected to have been derived in part directly from a crime. In a judgment delivered on 12 November 2009 the Court found the accused guilty on all 4 counts and sentenced him to pay a fine of Rs 30,000 under count 1, Rs 25,000 under count 2, Rs 40,000 under count 3 and Rs Rs 35,000 under count 4.

#### ICAC v Harishchandra Lutchmeenaraidoo – C/N 1151/07

The accused was prosecuted before the Intermediate Court for having made use of his position for gratification for himself whilst being a public official in breach of sections 7(1) and 83 of the Prevention of Corruption Act 2002. The accused, who was a Detective Police Sergeant, was enquiring into a case involving the complainant. He had allegedly received from the complainant a sum of Rs 3,000 so as not to object to latter's bail and that of another suspect. The Court found that the prosecution witnesses showed too many contradictions while deponing and their demeanour led the court to favour the accused's version. On 12 November 2009 the information against the accused was accordingly dismissed.

Police v/s Bibi Rassoolbi Nazeerally – C/N 58/2009  
(Ruling)

The accused is being charged before the Intermediate Court for the offence of money laundering in breach of section 5(1) and 8 of the Financial Intelligence and Anti-Money Laundering Act 2002 for having made a payment in excess of Rs 350,000 in cash. At the close of the prosecution case, the defence counsel had submitted that there is no case to answer and that the information was wrong in law. On 16 September 2009, the Court held that "The information is in the words of the law and in view of the decision of the Supreme Court in the case of Abongo v State [2009] SCJ 81, this Court would not be the appropriate forum to question the constitutionality of section 5 Financial Intelligence and Anti Money Laundering Act." Consequently the case is to proceed.

Police v Anoussa Chuttoo & Krishnen Veerasamy - CN 885/ 08

The two accused were prosecuted before the Intermediate Court, under 5 counts, for the offence of traffic d'influence, in breach of section 10 (4) of the Prevention of Corruption Act 2002, for having obtained gratifications from other persons in order to make use of their fictitious influence to obtain employment for these persons from the Ministry of Health. Accused No. 2 pleaded guilty to two of the counts and was sentenced, on 30 July 2009, to 6 months imprisonment. Accused No. 1 was found guilty by the court under one count and was also sentenced to 6 months imprisonment.

ICAC v/s (1) Govindranath Gunness, (2) Dhaneswar Soobrah – C/N 1379/07  
(Interlocutory Judgment)

Ruling:

The Intermediate Court was called upon to rule on whether a motion for a stay of proceedings on the ground of abuse of process may be considered before the plea of one of the accused parties be recorded. On 30 July 2009 the Court considered that such a motion can be entertained at any stage of the proceedings, even before the trial starts, and the Court ruled accordingly.

Ruling:

The two accused are charged under separate counts in the same information. Counsel for accused No 1 had moved for a separate trial on the ground that accused No 1 who had already pleaded not guilty under count 1 is entitled under s 10 of the Constitution to a fair trial within a reasonable time. On 28 May 2009 the Court held that: "We are of the view that the submissions of Counsel for ICAC are pertinent and that it would not be in the public interest to have a separate trial for accused no 1. There is a desirability that the same verdict and the same treatment be returned against all those concerned with the same offence. This far outweighs any risk of prejudice that one of the accused parties might suffer." The motion was therefore set aside.

Ruling:

Accused No. 1 is charged with the offence of 'Public official using his position for gratification', in breach of section 7(1) of the Prevention of Corruption Act 2002. His Counsel had moved for further particulars regarding the date and the person to whom the alleged instructions were given and Counsel for Prosecution had objected on the ground that the information had clearly set out all the material elements of the offence. On 24 July 2008, the Court held that "... the prosecution has not revealed the date and identity of the person to whom the instructions were given, not because these details cannot be ascertained, but because in law they are not required to do so". "...the particulars seem to be sufficient on the face of the information. However, given the

respective statements made by senior counsel for Accused No 1 and learned Counsel for ICAC, the Court considers that the balance should tilt in favour of the accused and that further particulars should be provided regarding the name of the person to whom accused no.1 allegedly gave instructions so as to enable the defence to prepare their case."

#### ICAC v Leckram Seeruttun - CN 1079/08

The accused was prosecuted before the Intermediate Court, under section 7 (1) of the Prevention of Corruption Act 2002 for having, whilst being a public official, made use of his position for a gratification for himself, that is, he led one Mr Louise to enter into an obligation for the payment of a sum of money by using his position as a public officer. On 24 July 2009 the Court held that, having regard to the facts of the case, the accused did not make use of his position and that the entering into an agreement did not constitute a gratification. The charge was accordingly dismissed against the accused. An appeal has been lodged against the judgment on 13 August 2009.

#### ICAC v Bidianand Jhurry - CN 1186/08

(Ruling)

The accused is being prosecuted, under five counts, for having made use of his office for a gratification, in breach of section 7 (1) of the Prevention of Corruption Act 2002 (PoCA). The Defence challenged the legality of the prosecution on the ground that it is time-barred. The Defence relied on section 4 (1) of the Public Officers Protection Act (POPA). On 24 July 2009 the court noted that according to section 82 PoCA, no prosecution for an offence under the POCA shall be instituted by, or with the consent of, the Director of Public Prosecutions (DPP). The court further noted that under section 46(c) PoCA 'the Commission makes suggestions as to the appropriate course of action

but the final decision on prosecution is taken, as a matter of law, by the DPP.' The Court therefore concluded that the prosecution was on behalf of the State and as such the time limitation as provided for under POPA is not applicable.

#### ICAC v Christian Allain Azor - CN 388/08

The accused was prosecuted before the Intermediate Court, under 3 counts, for the offence of money laundering. The accused, whilst being a Manager working at the Mauritius Commercial Bank, withdrew a total sum of 3.4 million rupees from the accounts of various clients of the said bank and for having deposited same in the accounts of his relatives. The accused pleaded guilty to all 3 counts and was sentenced, on 17 July 2009, to pay a fine of Rs. 150, 000 under each count.

#### ICAC v (1) Yudistir Dookhit, (2) Oograssen Seetul – C/N 1053/07

##### Judgment:

The two accused were prosecuted before the Intermediate Court for the offence in breach of sections 4(1) (a) and 2 of the Prevention of Corruption Act 2002. Accused No 1, whilst being the Head Tractor Operator of Sugar Planters Mechanical Pool Corporation (SPMPC), had solicited a sum of Rs 400 from a planter to plough a portion of land. Accused No 2, a tractor operator of SPMPC, had obtained the sum of Rs 400 from the planter to plough a portion of land. In a judgment delivered on 15 July 2009, the Court found both accused guilty and sentenced each of them to undergo 9 months imprisonment which was suspended pending a report from the probation officer. On 06/08/09, the Court ordered both accused to effect community service for 150 hours.

##### Ruling:

Both accused are being prosecuted before the Intermediate Court for the charge of 'Bribery by public official' in breach of section 4(1)(a) of the Prevention against

Corruption Act 2002. Counsel for the defence had objected to a motion by the Prosecution to amend count 2 of the information. On 28/01/09, the Court found that the accused would not be prejudiced by the amendment and hence granted the motion.

Police v Asokumar Veeriah - CN 41/07

Following an enquiry carried out by ICAC, the accused was prosecuted before the Intermediate Court under section 4 (1) (a) & (2) of the Prevention of Corruption Act 2002 for having, whilst being the acting Chief Employment Officer at the Ministry of Training, Skills development and Productivity, solicited money, from another person, for himself to make a favourable report which would be taken into consideration for renewing the work permit of a foreign national. On 14 July 2009 the Court observed that there were certain contradictions in the evidence adduced by the prosecution and gave the accused the benefit of doubt.

ICAC v Kunal Beegoo - CN 586/08

The accused was prosecuted before the Intermediate Court under section 13 of the Prevention of Corruption Act 2002 to the effect that he did, whilst being a public official, take part in proceedings of the MSPCA during which the renewal of the working contract of Mr Premchand Beegoo, father of the accused, was discussed. The Court considered that for there to be an offence, the accused need to take an active part in the decision that was being taken. In this case, it was clear before the Court that the decision taken was not a unanimous one and that the accused did not participate at all in the proceedings when the renewal of the contract was being discussed. Consequently, the Court, on 10 July 2009, gave the accused the benefit of doubt.

#### ICAC v Anoop Kumarsingh Balluck – C/N 557/07

The accused was prosecuted before the Intermediate Court under count 1 for the offence of 'Forgery by public official' in breach of section 106(d) and 121 of the Criminal Code and under count 2 for the offence 'Public official using his position for gratification' in breach of sections 7(1) and 83 of the Prevention of Corruption Act 2002. The accused, who was enquiring into an offence of parking on footpath against the complainant, had allegedly obtained a sum of Rs 350 from the latter for not enquiring into the two further offences. The complainant, who did not wish to proceed with the matter, refused to give evidence in court and was eventually fined accordingly. In the absence of any evidence from the complainant, who was the main witness, the court was unable to conclude that the accused had made use of his position to obtain a gratification. Consequently both counts were dismissed on 14 May 2009.

#### Police v Rengasananda Venkatakistnen – C/N 1152/07

The accused was prosecuted before the Intermediate Court for the offence of 'bribery by public official' in breach of section 4(1) (a) and 2 of the Prevention of Corruption Act 2002. The accused had allegedly solicited from the complainant money for doing an act which was facilitated by his duties. The Court held that: "However, despite the condemnable attitude of the accused for having been rude to the complainant, the evidence falls short of establishing the offence of bribery...This court cannot rely on the word of the complainant as it contains contradictions which cast doubt on the case for the prosecution." Consequently the charge against the accused was dismissed on 17 April 2009.



#### ICAC v Mamode Andoo – C/N 827/08

The accused was prosecuted before the Intermediate Court under counts 1 and 2 for the offence of 'bribery by public official' in breach of section 4(1) (a) and 2 of the Prevention of Corruption Act 2002. For count 1, the accused, being an inspector of works at the Ministry of Public Infrastructure, had allegedly solicited the sum of Rs 5000 to process a building permit when this had been already approved. For count 2 he had allegedly solicited the sum of Rs 5,000 to deliver a building permit. On 31 March 2009 the Court held that: "Their (the complainants') version is not plausible and I am convinced that they concocted the allegations of bribery against Accused following their prosecution and non obtaining the building permit." Both counts against the accused were accordingly dismissed.

#### ICAC v Marie Ange Seblin – C/N 633/0

The accused was prosecuted before the Intermediate Court for the offence of Money Laundering in breach of section 3(1), 6(3) and 8 of the Financial Intelligence and Anti Money Laundering Act 2002 under 16 counts. The accused was charged of having been in possession of property which was, in part, directly representing the proceeds of a crime, where she had reasonable grounds for suspecting that the property was derived, in part, directly from a crime. From May 2004 to June 2005, on 16 occasions, money deriving from proceeds of crime was credited to her bank account by her husband. In 2000, accused had Rs 4.33 in her bank account and credited sums Rs 458,000 in 2004 and Rs 310,000 in 2005. On 31 March 2009 the court held that: " I am satisfied from the circumstantial evidence available that accused did not only suspect or have reasonable ground to suspect but she was fully aware of the illicit drug activities of her husband and the inference that can be drawn was that her accounts were being used to accommodate the proceeds of the said drug trafficking activities". The accused was

hence found guilty as charged under all the counts and was sentenced to pay a fine of Rs 50,000 under each count and Rs 500 as costs.

#### ICAC v Vishwajee Bachoo – C/N 651/08

The accused was prosecuted before the Intermediate Court for the offence of 'Corruption of agent' in breach of section 16(1) of the Prevention of Corruption Act 2002. The accused, a tractor operator at the Sugar Planters Mechanical Pool Corporation had allegedly, without the consent of his principal, solicited a sum of Rs 2,000 from a person for himself, to plough latter's land. On 26 February 2009, the information was dismissed for lack of evidence.

#### ICAC v Nimrajsingh Jugmohun – C/N 506/07

The accused was prosecuted before the Intermediate Court for the offence of 'Bribery by public official' in breach of section 4(1)(a), (2) of the Prevention of Corruption Act 2002. On or about 14 January 2006, the accused whilst being a Chief Inspector of Police obtained a bottle of whisky from the complainant for providing police assistance to the latter concerning a family problem. The Court found accused guilty as charged and, on 25 February 2009, sentenced him to 3 months imprisonment which was suspended pending a report from the probation officer. However, the accused passed away before the report could be submitted to court.

#### ICAC v Giandev Meetoo – C/N 507/07

##### Judgment:

The accused was prosecuted before the Intermediate Court for the offence of 'Public Official using his position for gratification' in breach of section 7(1) of the Prevention of

Corruption Act 2002. In or about the month of August 2002, the accused, a police sergeant on duty at Mahebourg fair, was alleged to have obtained the sum of Rs 200 from the complainant to allow him to expose his articles for sale. On 29/01/09 the Court found that the prosecution witness was "cunning, witty and manipulative" and dismissed the case against the accused.

#### Ruling:

The accused is being prosecuted before the Intermediate Court for the offence of 'Public Official using his position for gratification' in breach of section 7(1) of the Prevention of Corruption Act 2002. Counsel for the accused had moved that (i) Count 1 of the information be dismissed against the accused as it is too vague and contains insufficient facts thus causing prejudice to the accused in his defence and (ii) the investigating officer in the case be put on the list of witness to allow the accused to benefit from a fair trial. On 17 July 2008 the Court found that prosecution was not bound to provide the time as it neither forms part of the offence nor a material circumstance of the offence and held that the accused will not have an unfair trial if the time is not disclosed and the prosecution does not add the name of a witness as sought by the defence. Consequently the motion was not granted and case is to proceed.

#### ICAC v Kishore Juggessur C/N 635/08

The accused was prosecuted before the Intermediate Court for the offence of 'Corruption of agent' in breach of section 16(1) of the Prevention of Corruption Act 2002. The accused, a vehicle attendant at Sugar Planters Mechanical Pool Corporation, had, without having the consent of his principal, obtained a sum of Rs 6,000 from another person for himself in order to plough a portion of land occupied by latter. He was found guilty and, on 22 January 2009, was sentenced to 12 months imprisonment

which was suspended pending a report from the probation officer. On 18 February 2009, the Court ordered him to effect community service for 135 hours.