

Fauzee Bros & Co Ltd & ors v/s ICAC – 2008 SCJ 296 (Interlocutory Judgment)

On 28 November 2007 the ICAC had applied to the Judge in Chambers for and obtained an attachment order against the applicants. On 11 December 2007 the applicants moved the Supreme Court to rescind and/or vary the said order. A preliminary objection was raised by the ICAC to the effect that the Supreme Court had no jurisdiction to entertain the present application and that same should have been entered before the Judge in Chambers. The Court held that: "...upon a close examination of sections 51, 54, 55 and 56 of the Act, it is clear that the intention of the legislator is that the Judge in Chambers, on account of the special features pertaining to the said jurisdiction ensuring expediency and confidentiality, should be the pre-eminent jurisdiction to be seized for orders to search certain premises, property tracking and monitoring orders, enforcement of property tracking and monitoring orders and attachment orders ." The application was accordingly set aside on 29 October 2008.