

Sheilendra Peerthum v The District Magistrate of Rivière du Rempart - SN 1369/2009

The applicant had seized the Judge in Chambers invoking his jurisdiction under article 806 of the Code de Procédure Civile as "Juge des référés" since the Magistrate of Rivière du Rempart had refused to grant him a variation order in relation to a provisional charge before the same court. [see *Police v Sheilendra Peerthum* - CN P878/08 (Ruling Mapou District Court) below]. The application was dismissed on 25 August 2009 and the Court held that: "It is clear that the balance tips heavily, in the circumstances, in favour of the prosecution authorities, in the absence of any special reason why there is an almost absolute necessity for applicant to leave the country. Given the seriousness of the charges laid against him, the applicant may choose to find ways and means never to return to Mauritius to face those charges."