

**The Independent Commission Against Corruption v Chandra Sharma Geerawo**

**2024 INT 23**

**IN THE INTERMEDIATE COURT OF MAURITIUS**

**(Financial Crimes Division)**

**Cause Number: 23/2021**

**The Independent Commission Against Corruption**

**v**

**Chandra Sharma Geerawo**

**RULING**

1. In an Information which contains two counts that have been lodged against the Accused, the latter stands charged under both counts with the offences of conflict of interests in breach of Sections 13(2) and 13(3) of the Prevention of Corruption Act (“POCA”).

2. The trial has started and Witness No.: 1 has already testified.

3. In the course of the examination-in-chief of Witness No.: 3, the following question was put to the witness viz Transcript dated 31.10.2023 at p 31 and it reads as follows:

**“MS P BISSOONAUTHSING CONTINUES WITH EXAMINATION IN CHIEF.**

...

Q. ... Your Honour, at this stage I would move that to show to the witness the certified copy of the Board Minutes which was held on the 6<sup>th</sup> of March 2014.

**COURT:** Any objection Mr Rutnah?

**MR R RUTNAH:** Of course Your Honour. I object-”

4. The matter was adjourned and fixed for Argument.
5. The Prosecution and the Defence were represented by Counsel for the Argument.
6. On the day the Argument was scheduled, Mr Rutnah, who appeared of the Accused, offered submission in relation to why the Board Minutes should not be allowed to be produced as it amounts to hearsay evidence and he went on to submit on the prejudicial effect it will have on the Accused if the Board Minutes is allowed to be produced. In the course of his submission on hearsay, the learned Counsel relied on the following – ***Dzitse Robert Mensah Kordso v The State* [2016] SCJ 236** and **Blackstone’s Criminal Practice 2017 – The Best Evidence Rule.**
7. The submission of Miss Bissoonauthsing whom appeared for the Prosecution and the submission of Mr Rutnah are also on record.

8. I have duly considered the submissions of both learned Counsel and the authorities placed before me in the course of the Argument.

9. For the reasons that I will give below, I am of the view that the submission of learned Counsel for the Accused is devoid of substance.

10. In my view on 31.10.2023, the objection of learned Counsel for the Accused as I have reproduced at paragraph 3 above, it is clear that learned Counsel objected that Witness No.: 3 be shown the certified copy of the Board Minutes which was held on the 6<sup>th</sup> of March 2014.

11. As the matter stood as at 31.10.2023, I must say that it was not the contention of the Prosecution to produce the certified copy of the Board Minutes on 31.10.2023.

12. So far, there is no submission from the Defence as to why Witness No.: 3 should not be allowed to view the certified copy of the Board Minutes and in the absence of such submission from the Defence, I have no alternative than to allow the Prosecution to show the certified copy of the Board Minutes to Witness No.: 3 and I so Order.

**Neeshal K JUGNAUTH**  
**Acting Magistrate**  
**Intermediate Court**  
**(Financial Crimes Division)**  
**05.02.2024**