

FCD CN: FR/L125/2020

IN THE INTERMEDIATE COURT OF MAURITIUS
(FINANCIAL CRIMES DIVISION)

In the matter of:

ICAC

V

Jaywantee BUNDHOO

SENTENCE

1. Accused was prosecuted for the offence of Money Laundering (46 Counts) in breach of Sections 3(1)(a), 6 and 8 of the Financial Intelligence and Anti-Money Laundering Act 2002 (the 'FIAMLA'). She pleaded not guilty and was represented by Counsel, Mrs. S. Mootien-Rogbeer.
2. Accused was found guilty by the Court under **Counts 1 to 39** and **Counts 41 to 46**.
3. A sentencing hearing was conducted. The Prosecution informed Court that accused is of clean record and has not spent any time on remand or police cell in respect of the present case.
4. Accused made a statement from the dock. She begged for excuse and expressed remorse. She stated that she had let herself influenced by one Sanathan Raghoo to whom she remitted all the money collected. She also stated that she has three children and undertook to depose against Sanathan Raghoo in Court.
5. Mrs. S. Mootien-Rogbeer submitted that, given the mitigating factors in favor of accused, a custodial sentence is not warranted.
6. The Prosecution left matter in the hands of the Court.
7. The maximum sentence applicable for the offence of Money Laundering is a fine not exceeding Rs2 million and to penal servitude not exceeding 10 years by virtue of Section 8(1) of the FIAMLA as it read at the time when the offences were committed.

8. The Court is alive to the overriding principle that the sentence to be inflicted must be commensurate with the gravity of the offence – see **Khoyratty v The State (2018) SCJ 382**.
9. The Court has taken note of the gravity of the offences, i.e., 45 counts of Money Laundering offences on which accused has been found guilty and the significant amount of money involved. Accused has all throughout, with full knowledge of the non-existence of any ‘sandal’ business, been collecting money from people by promising them a substantial amount of return on their investment, and which money she was remitting to Sanathan Raghoo.
10. On the other hand, the Court has taken into consideration the following mitigating factors, namely that accused:
 - a) is of old age, i.e., 62 years’ old;
 - b) has cooperated with the ICAC whereby she admitted and explained how she collected money from people;
 - c) remitted most of the money she collected to Sanathan Raghoo and therefore has not benefitted substantially from same;
 - d) has apologized and expressed remorse in Court;
 - e) is of clean record; and
 - f) has undertook to depose against Sanathan Raghoo.
11. Given the mitigating factors, as highlighted above, the Court is of the view that a custodial is not warranted and that a fine under each count will meet the ends of justice. The Court is further of the view that since accused has not substantially benefitted from the money collected and has expressed her firm intention to depose against Sanathan Raghoo, the apparent mastermind behind the whole illicit scheme (as per the version of accused), a fine towards the lowest end of the scale would be appropriate in the present case.
12. Therefore, accused is sentenced to a fine of:
 1. Rs. 3,000/- under **Count 1**;
 2. Rs. 2,000/- under **Count 2**;
 3. Rs. 3,000/- under **Count 3**;
 4. Rs. 2,000/- under **Count 4**;
 5. Rs. 5,000/- under **Count 5**;
 6. Rs. 5,000/- under **Count 6**;
 7. Rs. 3,000/- under **Count 7**;
 8. Rs. 3,000/- under **Count 8**;
 9. Rs. 8,000/- under **Count 9**;
 10. Rs. 4,000/- under **Count 10**;

11. Rs. 25,000/- under **Count 11**;
12. Rs. 20,000/- under **Count 12**;
13. Rs. 25,000/- under **Count 13**;
14. Rs. 5,000/- under **Count 14**;
15. Rs. 8,000/- under **Count 15**;
16. Rs. 6,000/- under **Count 16**;
17. Rs. 8,000/- under **Count 17**;
18. Rs. 5,000/- under **Count 18**;
19. Rs. 3,000/- under **Count 19**;
20. Rs. 4,000/- under **Count 20**;
21. Rs. 8,000/- under **Count 21**;
22. Rs. 8,000/- under **Count 22**;
23. Rs. 7,000/- under **Count 23**;
24. Rs. 8,000/- under **Count 24**;
25. Rs. 8,000/- under **Count 25**;
26. Rs. 2,500/- under **Count 26**;
27. Rs. 2,500/- under **Count 27**;
28. Rs. 2,500/- under **Count 28**;
29. Rs. 12,000/- under **Count 29**;
30. Rs. 10,000/- under **Count 30**;
31. Rs. 12,000/- under **Count 31**;
32. Rs. 3,000/- under **Count 32**;
33. Rs. 3,000/- under **Count 33**;
34. Rs. 18,000/- under **Count 34**;
35. Rs. 3,000/- under **Count 35**;
36. Rs. 8,000/- under **Count 36**;
37. Rs. 4,000/- under **Count 37**;
38. Rs. 8,000/- under **Count 38**;
39. Rs. 7,000/- under **Count 39**;
40. Rs. 8,000/- under **Count 41**;
41. Rs. 8,000/- under **Count 42**;
42. Rs. 4,000/- under **Count 43**;
43. Rs. 4,000/- under **Count 44**;
44. Rs. 12,000/- under **Count 45**;
45. Rs. 4,000/- under **Count 46**.

13. Accused is also to pay Rs. 500/- as costs.



A.R.TAJODEEN

Ag Magistrate of the Intermediate Court (Financial Crimes Division)

30.01.2024