

ICAC V Jean Edouard ARISITIDE and anor
2021 Intermediate Court (Financial Crime Division)

Cause No 20/2020

ICAC

V

- 1. Jean Edouard ARISITIDE;**
- 2. Jean Jacques NOBIN**

Charges

Count 1: - Bribery by Public Official in breach of section 4(1)(b) and (2) of the Prevention of Corruption Act 2002 (POCA).

~~**Count 2:** - Traffic d'influence in breach of section 10(5) of the Prevention of Corruption Act 2002 (POCA)~~

JUDGEMENT

Accused No 1, Jean Edouard ARISTIDE, is charged under Count 1 for the offence of Bribery by Public Official in breach of section 4(1)(b) and (2) of the POCA. He has pleaded not guilty to the charge and was assisted by counsel. The particulars of the charge are to the effect that on 29th May 2014, in the district of Grand Port, accused solicited from one Vasoodev CHUMUN a sum of Rs.5,000/- so as not to report a case of road accident which occurred along Royal Road, Riviere des Creoles, in which the said Vasoodev CHUMUN was involved.

Accused No 2, Jean Jacques NOBIN, is charged for the offence of Traffic D'Influence in breach of section 10(5) of the POCA. He has pleaded not guilty and was assisted by counsel. The particulars of the charge are to the effect that on 11th June 2014, in the district of Grand Port, accused, solicited a sum of Rs.6,000/- from the said Vasoodev CHUMUN, in order to make use of his influence at the Forensic Science Laboratory (FSL) to favourably change the alcohol test result of the said Vasoodev CHUMUN.

Investigator KOWLESSUR, witness No 1, produced three out of court statements made by Accused no1; documents A to A2 refer. He also produced two out of court statements made by Accused no. 2; documents B and B1 refer. The witness then deposed to the effect that he investigated in the present matter following a referral from the Commissioner of Police and during the course of investigation he made an application for itemized bill of the phone numbers

mentioned in the various statements made by the parties and he concluded that in fact, there were exchange of calls between the complainant and the accused parties. Under cross examination, it came to light that the complainant has previous conviction for driving under the influence of alcohol. He explained that there are two cases connected with the present one; a case of road accident and a case of drunken driving where Mr Vasoodev Chumun is the accused and the latter has not given his statement in the connected cases. He could not give much details as to the status of the enquiry in the connected cases as he considered it not to be material to the present case of corruption. He agreed that an alcohol test was carried out on Mr Chumun and the FSL confirmed that it was positive, he produced one FSL report obtained during investigation and same was marked as Document C. The version of the declarant as per his out of court statement was put to the investigation officer and in a gist, it is that accused No 1 solicited Rs 5,000 from Mr Chumun, to settle a case of road accident, that is the accident would not be reported and Mr Chumun would not have to undergo an alcohol test (pages 14 and 15 of proceedings dated 18.02.2021). Finally, according to his enquiry, PC Arianaik did not attend to the case of road accident involving Mr Chumun as asserted by Accused No1; but instead it was another police officer who accompanied Accused No 1 and he has remained unknown.

Mrs Babita BHOOJAWON, witness no.8, Human Resource Executive at Police Department, confirmed the status of the two accused as being Public Officials. She produced the official status of the two accused, as Documents D and E.

PS 5597 Oolun, witness No.4, deposed to the effect that on 29th May 2014, he performed 3rd shift duty at Mahebourg Police Station, he called at station at around 22.00 hrs and he started duty at 22.50 hrs. As in charge of the shift, he held a duty parade for officers of the third shift, and at the same time, he acknowledged the presence of officers of the second shift who were at station and he confirmed that PC Arianaik, witness No.5, and Accused No 2 were present at the station whilst the Accused no.1 was out on duty. He produced the Diary Book entry for the 29th May 2014 as document F and confirmed having he himself, inserted entry 227, which relates to the parade. He was adamant that PC Arianaik was present at station and would not know who has made an overwriting in the entry 227 in the Diary Book, by bracketing the name of PC Arianaik. He explained that the bracketing of the name of PC Arianaik was meant to say that latter was not present at station at the time of the parade. He added that earlier when he reached the station, he saw Accused No1 driving the accidented vehicle of Mr Chumun to the station but he did not notice if Accused No 1 was alone in the car. An alcohol test was carried out on Mr Chumun who was calm and same revealed to be positive. Then counsel for the prosecution embarked himself

and everybody in a line of examination in chief on the connected cases, the purpose of which, he said to be very material for the case of the prosecution; he even called for the production of one PF 75, which was allegedly not communicated to the defence; the document was marked document G. Suffice to say that whatever evidence ushered was not relied upon by the prosecution in his submission, despite what was said to counsel as per line 15 of page 18 of the proceedings.

In cross examination, the witness explained that at the time he was inserting the entry in the Diary Book about the parade at 22.15 hrs, Accused No 1 already reached the station and he took the Diary Book from him to insert the entry about the 3rd shift parade. PC Arianaik was the driver of van 6 RM 13 during the second shift and it was his duty to maintain the log book of the van to show details of movements for the van and the last entry made by PC Arianaik on 29.05.2014, was at 20.05 hrs. For him, there is an inconsistency in the Diary Book as PS Aristide inserted an entry at 22.31 hrs suggesting that he returned to station in van 6 RM 13 driven by PC Arianaik after having attended to the case of road accident. He could not say what was the status of the connected cases.

Mrs Pamela Rengasamy Beeharry, witness No 9, Senior Officer at Mauritius Telecom, explained that, pursuant to Judge's Order 1653-14, she remitted the itemized bill for telephones number 57992215 and 57711450 to ICAC. Phone number 57992215 belongs to one Mercure Louis Jocelyn and phone number 57711450 belongs to Vasudev Chummun. She identified and produced the set of papers, document H refers. This is yet another document produced by the prosecution and which has not been explained in court and also in the submission of learned counsel for the prosecution.

PC 6591 Arianaik, witness no.5, deposed to the effect that he performed 2nd shift duty, under the charge of PS Aristide, at Mahebourg Police station on 29th May 2014. He was assigned the duty to act as driver in van 6 RM 13 from 14.15hrs up to 22.15hrs and PC Nobin, also performed second shift duty. He explained his duties as a driver and that he has to insert appropriate entries in the logbook of the vehicle and that it was for the station orderly or another officer to insert the corresponding entry in the Diary Book. He was shown document F in which there was an entry inserted at 22.02 hrs, to the effect that he attended to the case of road accident with PS Aristide; and another entry at 22.31 hrs showing their return at station and he was adamant that he did not attend to the case of road accident and was at station; he would not know who inserted the entries

in the Diary Book. In cross examination, he maintained that he never attended to the road accident involving Mr Chumun.

Mr Vasoodev Chumun, witness no.6, deposed to the effect that in the night of 29th May 2014 he met with a road accident whilst driving car bearing registration number 632 ZD 91; in fact, he drove into a gutter at Rivieres des Creole. He alleged that he left the vehicle on spot and went home and in a moment of confusion, he consumed alcohol. Thereafter, he went back on the spot of the accident and with the help of some relatives, he removed his car from the gutter and at the same time Accused No 1 accompanied by another police officer came on spot and they also assisted to remove the car from the gutter. He then accompanied accused no.1, who drove his accidented car to the station. On the way to the station, Accused no.1 solicited a sum of Rs.5,000 to Rs 6,000, from him, in order not to report the case of road accident and therefore no alcohol test would be carried out on him. He did not accede to the request of Accused No 1, who then reported the case of road accident and an alcohol test was performed on him. The witness was clear and sharp as to the role of Accused No 1 and he cleared up to say that the sum asked by accused Aristide was Rs 5,000 and maintained that the solicitation was made on the way to station in his car which was driven by accused No 1. He denied that he was violent in the night of 29th May 2014 but asserted that he was cooperative. Mr Aristide also told him that another police officer would call him and subsequently, Accused No 1 phoned him and requested him to go and meet Accused No 2 (line 7 of page 60).

As far as the role of Accused No 2, he said that latter solicited the money on the phone several times; however, in examination in chief, at no time did he say that he physically met Accused No 2 and where; this flaw was corrected only in cross examination. The witness was quite blurred in his testimony in respect of the reason why Accused No 2 solicited money from him and there are a number of inconsistencies, which are as follows-

- a. Accused No 2 who told him that it was not too late to withdraw the case and he asked for Rs 5,000 to Rs 6,000 or otherwise if the case would proceed, it would cost more (lines 13 and 14 of page 60 of transcript). In his own words he said that Accused No 2 said "*Donc pencor trop tard, capave tire zafer, ou donne moi Rs 5,000 a Rs 6,000 li pou coute ca, si pou alle plus de l'avant li pou coute plus cher*", (lines 20 and 21 of page 60).
- b. Subsequently, he said "*zot ti pou alle enfin mo pas conner si pas FSL couma zote pou faire ca, ki dossier la pas vine dans station*", (lines 2 and 3 of page 61).

- c. Then he said the sum was solicited for the case not to go to station, (lines 7 to 8 of page 61).
- d. Then at lines 14 to 16 of the same page, the reasons for asking the money appeared different, upon a question of prosecution itself viz-

Q Mons Nobin osi pareil pe dire ki jamais ine faire ou sa ban propositions demande cash la pour case pas alle la cour ou bien FSL. Ki ou ena pou dire lor la ?

A C'est toujours faux.

In cross examination, he agreed having a previous for driving under the influence of alcohol. He explained his accident in detail and said that he went home after the accident as there was no one on the road to help him removing his car from the gutter (line 23 of page 69). He then came back with some relatives, they removed the car from the gutter and police came at the same time.

PS Aristide was accompanied by another unknown Police Officer. He maintained that Accused No 1 drove his car to station and on the way, solicited the money and in exchange would allow him to go without reporting the case. As he did not accede to the request, Accused No 1 brought him and his car to station and reported a case of road accident. He also explained in what circumstances, he reported the case; in fact, he went to Mahebourg Police station to settle a fine for a friend who had a warrant and there he met a police officer to whom he explained "...ena ene policier nek pe telephone moi pe rode kass...." (lines 5 and 6 of page 80) and he made a statement accordingly. He was confronted to his previous statements on minor inconsistencies in relation to Accused No 1 and the witness clearly explained that PS Aristide solicited Rs 5,000 so as not to report the case of accident and he would not be subject to an alcohol test (lines 10 to 13 of page 83). He maintained his version against PS Aristide all throughout cross examination.

Upon cross examination, as to the role of Accused No 2, he explained that latter asked him Rs 6,000 and again the purpose was not clear; in his own words "*pou case pas rente dans dossier station tout ca*" (line 2 of page 86).

The case of the defence

The defence call WPC Sababady Pillay who produced a certified copy of a declaration made by Accused No 1 at Vieux Grand Port Police station on 13.06.2014, document J refers. She added that the name of Bernard is mentioned in the declaration.

PC Guteea of the Police Transport Record Office produced a certified copy of entries made in the log book of vehicle 6 RM 13; the entries are dated the 29th of May 2014, document K refers.

Mr Jean Antoine explained that his name was Bernard and there was a rectification in his name and he is now called Jean Antoine. He explained that in May 2014, exact date he could not remember, he was travelling in a car driven by someone coming from Mahebourg and proceeding towards Vieux Grand Port. He saw "*ena ene l'auto ti monte lor la terre couper inn devirer*", he did not see the colour of the car as it was dark. He saw someone standing near the car, and that the someone was a resident of Ville Neuve, he did not know his name but the face was familiar. He talked to the person who reported that he made an accident with the car. Mr Antoine then phoned Mahebourg Police station; soon after the Police came and together with the police they "*dresse l'auto la*". PS Aristide was one of the two police officers, who came on spot. Thereafter, PS Aristide drove the accidented vehicle towards the direction of Mahebourg and the driver of the accidented car, went in the police vehicle driven by the other police officer who attended to the case. At all-time the driver of the accidented vehicle remained on the spot of the accident. Sometime after, he was convened to ICAC by way of letter and he alleged having shown the letter to Accused No 2. He is acquainted to Accused No 2 since about 12 to 13 years. In cross examination, it came to light that the witness was a Habitual Criminal with regular visits to Mahebourg Police station and he was quite well acquainted with the two accused and even shared their phone numbers. When he received the convocation letter, he informed Mr Nobin and met him in a Bar at Mahebourg where he alleged that the latter only explained to him the content of the letter. The witness was quite economical in his answers during cross examination and had to be pressed upon to answer questions; the pressing to answer had to be exerted both by the defence and by the prosecution besides the Court itself. The witness was for the least, not eloquent as he was when examined in chief and his short reply could hardly be heard. The record speaks for itself about his demeanour.

The version of Accused No 1

The unsworn version of Accused No 1 is found in his statements, where he denied the charge; however; he admitted having attended to the case of road accident; he alleged that he did so with PC Arianaik who drove the police vehicle; that he drove the accidented car of Mr V.Chumun to station but asserted that he was alone in the car; that Mr V.Chumun came to station in the police vehicle and was violent. However, according to enquiry, Mr Arianaik said that he was at station and did not attend to the case of road accident. This was put to Accused No1, vide Q 14 at folio 153655, and he replied "*Mo pas pou capve dire narien lor la*", hence he was incapable to rebut

the version of the prosecution. Further, PC Arianaik testified in court and explained that he was at station and did not attend to the case of road accident, thus giving a lie to Accused No 1. The enquiry officer deposed to the effect that the police officer who accompanied PS Aristide has remained unknown. PS Oolun also gave Accused No1 a lie, when he said that PC Arianaik was at station. Further, PS Oolun said that Mr Chumun was never violent, thus giving a second lie to Accused No 1.

The version of Accused No 2

PC Nobin said that he was performing second shift and he inserted the entry in the Diary Book when PS Aristide went to attend to the case of road accident and he himself mentioned that PC Arianaik was the driver; he did so as Mr Arianaik was the scheduled driver, but he admitted that he neither saw the van leaving nor returning to the station and did not see who drove the van. He admitted that on 11.06.14, he phoned Mr V. Chummun who came and met him at the station and talked about the case of road accident but denied having solicited Rs 6,000 to make use of his influence at the FSL to change the result of the alcohol test.

An evaluation of the witnesses for the prosecution and the defence

Investigator KOWLESSUR, witness No 1, was the enquiry officer, he has deposed as to his role in the present case and has produced the out of court statements made by both accused. He has been very fair all throughout his testimony and has also explained the cases connected with the present one. After having seen him deposing I hold that he is a witness of truth.

Mrs Babita BHOOJAWON, witness no.8, confirmed the status of the two accused as being Public Officials. She was not subject to any cross examination and her testimony is weighted as being true.

PS 5597 Oolun confirmed that PC Arianaik was present at the station, whilst the Accused no.1 attended the case of road accident and he thus gave Accused No 1 a lie in his version. He added that he saw Accused No1 driving the accidented vehicle of Mr Chumun to the station but did not notice if Accused No 1 was alone in the car and this shows that he was fair to all parties. He also said that Mr Chumun was calm and he thus gave a second lie to Accused No 1 who said that Mr Chumun was violent. I have seen the witness deposing, he has done so in a clear and coherent manner and has stood the test of cross examination; he is found to be a witness of truth.



Mrs Pamela Rengasamy Beeharry, witness No 9, produced the itemized bill for telephones number 57992215 and 57711450. However, the prosecution did not rely on her testimony, nor on the documents produced.

PC 6591 Arianaik, witness no.5, deposed to the effect that he performed 2nd shift duty, under the charge of PS Aristide, at Mahebourg Police station on 29th May 2014. He was adamant that he did not attend to the case of road accident with Accused No 1 as alleged by latter. He maintained his version in cross examination. He therefore, gave Accused No 1 a lie, as to what he said in his out of court statement. He deposed in a straight forward and coherent manner and stood the test of cross examination; he is found to be a witness of truth.

Mr Vasoodev Chumun, witness no.6, testified in a straight forward and convincing manner He explained the involvement of Accused No 1 and was clear and sharp in his testimony pertaining to the role of Accused No 1. In respect of the role of accused No 2, he was somewhat confusing as to the purpose of the money solicited by accused No 2 and this goes to the benefit of accused No 2. He stood the test of cross examination and came out with a clear and coherent testimony establishing the participation of accused No 1. However, he was not clear on only one issue, which concerns the purpose for which the Accused No 2 solicited the money. I have seen him deposing and how he stood the test of cross examination and I hold that he is a witness of truth and his testimony stood unshaken.

WPC Sababady Pillay produced a certified copy of a declaration made by accused No 1; the document is proof that Accused No 1 has reported a case but no one did testify as to its content to render its content admissible. At any rate the defence did not rely on the document in his submission.

PC Guteea of the Police Transport Record Office produced a certified copy of entries made in the log book of vehicle 6 RM 13; the entries are dated the 29th of May 2014. However, there is no testimony to explain the content and its truth.

Mr Jean Antoine testified and this court rules that he is a "temoin de complaisance" who cannot be believed for the following reasons: -

1. He said that he was on the spot of the accident soon after it occurred. He said that he saw "*ena ene l'auto ti monte lor la terre couper inn devirer*"; this version is contrary to all evidence on record, which show that the car entered a gutter. A first lie is given to him.

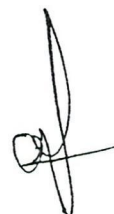
2. He then said that Police came and together with the police they "dresse l'auto la". This alleged maneuver is compatible with a car which had capsized. In fact, the car was removed from the gutter. A second lie is given to him.
3. He said that he did not see the colour of the car as it was dark; this is most unbelievable for someone who was present all throughout. Surely to remove the car, there were other sources of light, like those of the police vehicle. Therefore, he was clearly lying.
4. He is acquainted to Accused No 2 since about 12 to 13 years. This shows that he may have a purpose to serve in the present case and this creates doubt in his version.
5. The witness is a Habitual Criminal with regular visits to Mahebourg Police station and he was quite well acquainted with the two accused and even shared their phone numbers. Again, this is indicative that the witness had a purpose to serve, which affect the weight of his testimony.
6. When he received the convocation letter from the ICAC, he informed Mr Nobin and met him in a Bar at Mahebourg, where he alleged that the latter only explained to him the content of the letter. At that pointing time, the court observed that the witness was not at ease with his version and that he was clearly lying.
7. The witness was quite economical in his answers during cross examination and had to be called to answer both by the defence and by the prosecution and even the Court itself. All throughout his testimony, he cut the profile of a witness who cannot be trusted.

The charge against Accused No 1

Accused No 1, Jean Edouard ARISTIDE, is charged under Count 1 for the offence of Bribery by Public Official in breach of section 4(1)(b) and (2) of the Prevention of Corruption Act 2002 (POCA 2002). It has been averred in the information that on 29th May 2014, the accused solicited from one Vasoodev Chumun a sum of Rs.5,000/- so as not to report a case of road accident involving the said Chumun. The law provides as follows-

4. Bribery by public official

- (1) Any public official who solicits, accepts, or obtains from another person, for himself or for any other person, a gratification for –
 - (a)
 - (b) Doing or abstaining from doing, or having done or abstained from doing, an act which is facilitated by his functions or duties;



(c)

.....

shall commit an offence and shall, on conviction, be liable to penal servitude for a term not exceeding 10 years.

The elements of the offence in the present circumstances are: -

- 1) Accused was a public official;
- 2) he solicited, for himself, a gratification from another person;
- 3) in order to abstain from doing an act, which is facilitated by his duties.

1) Accused No. 1 was a public official

In his out of Court statement, Accused No1 has admitted that he is a sergeant of Police. Further, document D confirms his status of being a public official. The first element is therefore proved.

2) Accused No 1 solicited a gratification from another person

Witness Chumun has clearly explained that he met with a road accident whilst driving car no. 632 ZD 91; Accused No1 attended to the case as a Police sergeant; the car was put back on the road; Accused No1 drove his car to Mahebourg police station and on the way, Accused No1 solicited a sum of Rs.5,000 from him. True it is that in examination in chief, Mr Chumun stated that Accused No 1 asked him "Rs 5,000 to 6,000"; however, this was cleared during cross examination, when the inconsistency in figures were put to him and he clearly acknowledged that the sum asked for was Rs 5,000 (see pages 80 and 81). I therefore hold that it has been clearly established that a sum of Rs 5,000 has been solicited as gratification by Accused No 1.

3) in order to abstain from doing an act which is facilitated by his duties

Mr Chumun clearly explained that PS Aristide solicited Rs 5,000 so as not to report the case of accident and he would not be subject to an alcohol test (lines 10 to 13 of page 83). He did not accede to the request of Mr Aristide, who then reported the case of road accident and an alcohol test was performed on him. It is therefore clear that the money solicited by the accused was a gratification for him not to report the case of road accident. The refusal to give the Rs 5,000 led to the report of the case of road accident and the alcohol test on Mr Chumun which is clearly proof that the report of the accident was a duty facilitated by the office of sergeant Aristide.



Further, Section 4(2) provides for a presumption of the law and it reads as follows: -

"Notwithstanding section 83, where in any proceedings against any person for an offence, it is proved that the public official solicited, accepted or obtained a gratification, it shall be presumed, until the contrary is proved, that the gratification was solicited, accepted or obtained for any of the purposes set out in subsection (1)(a) to (e)."

The first and second elements of the offence have been proved by the prosecution and the presumption under section 4(2) is therefore activated. It may therefore be presumed under section 4(2) of the POCA 2002, that the gratification was solicited by Accused No 1 in order to abstain from reporting a case of road accident against Mr Chumun; which report was facilitated by the duties of Accused No1 as a Police sergeant.

I therefore hold that the third element has been proved.

For all these reasons and after having considered all the facts and circumstances of the case, the submissions of both counsels, I hold that the prosecution has proved the charge under count 1, against accused No 1 beyond all reasonable doubt and I find him guilty as charged.

The charge against Accused No.2, Jean Jacques NOBIN

Accused No 2 is charged for the offence of Traffic d'influence in breach of section 10(5) of the POCA for having on 11th June 2014, solicited a sum of Rs.6,000/- from Vasoodev Chumun, in order to make use of his influence at the Forensic Science Laboratory (FSL) to favourably change the alcohol test result of the said Vasoodev Chumun. Section 10(5) of the POCA provides as follows-

10. 'Traffic d'influence'

- (5) Any public official who solicits, accepts, or obtains a gratification from another person, for himself or for any other person, in order to make use of his influence, real or fictitious, to obtain any work, employment, contract or other benefit from a public body, shall commit an offence and shall on conviction, be liable to penal servitude for a term not exceeding 10 years.

The Prosecution must prove the following elements in support of a charge for 'Traffic d'influence' in the given circumstances viz-

- (1) Accused was a public official;



- (2) he solicited a gratification from another person;
- (3) in order to make use of his influence, real or fictitious;
- (4) to obtain a benefit from a public body

(1) Accused No. 2 was a public official at the material time

In his out of court statement, Accused No 2 has admitted that he was a police officer. Further, document E, produced by the prosecution, shows that Accused No 2 was a public official. The first element has therefore been proved.

(2) He solicited a gratification from another person

In examination in chief, Mr Chumun stated that Accused No 2 asked him "Rs 5,000 to 6,000"; however, this was cleared following a leading question of the prosecution who directly put the figure of Rs 6,000 to the witness. (first question at page 61). Be that as it may, the witness was then consistent in the sum of Rs 6,000 and I therefore hold, that it has been clearly established that a sum of Rs 6,000 has been solicited as gratification by Accused No 2.

(3) In order to make use of his influence, real or fictitious

The purpose for asking the money by Accused No2 is very blurred and is not what has been averred in the information. As per above analysis of the testimony of witness Chumun in respect of the role of Accused No 2, it can be seen that the witness has been very confusing as to the purpose of the solicitation of the money. At first it was to withdraw the case; then he himself did not know the purpose "*enfin mo pas conner*"; then it was for them (who is them?) to go to FSL for the file not to come to the station; then he said that the money was solicited for the case not to go to station. In cross examination, the witness again changed the purpose to "*pou case pas rente dans dossier station tout ca*"

Above all, the reasons for asking the money appeared more confusing; upon a question of prosecution itself viz-

Q Mons Nobin osi pareil pe dire ki jamais ine faire ou sa ban propositions demande cash la pour case pas alle la cour ou bien FSL. Ki ou ena pou dire lor la ?

A C'est toujours faux.



This shows that even the prosecution was confused as to the reason for asking the money by Mr Nobin.

All these opaque reasons as to why Accused No 2 solicited the gratification makes it unclear on how he would have used his influence. The evidence on that score is a far cry of what has been averred with certainty in the information. The particulars of what have been asserted are “ *to make use of his influence at the Forensic Science Laboratory(FSL) to favourably change the alcohol test result of the said Vassoodev Chumun*”. At no time did the witness say that in court, nor was it put to him as an inconsistency,

I therefore hold that the prosecution has not proved the third element required.

(4) To obtain a benefit from a public body

The prosecution has submitted that the benefit would have been obtained from the FSL which is a public body. I agree that the FSL is a public body. However, the benefit as averred in the information has not been proved, simply because the reason for soliciting the money as averred in the information has not been proved.

I therefore hold that the fourth element has not been proved beyond reasonable doubt.

For all these reasons and after having considered all the facts and circumstances of the case, I hold that the charge under count 2, against accused Jean Jacques Nobin has not been proved and the charge is dismissed against him.



Delivered by Mr Vijay Appadoo

President Intermediate Court (Financial Crime Division).

02.07.2021.
