

FCD CN: FR/L40/2024

IN THE INTERMEDIATE COURT OF MAURITIUS
(FINANCIAL CRIMES DIVISION)

In the matter of:

THE FINANCIAL CRIMES COMMISSION

V

1. **Zaheera Bibi Issop ADIA**
2. **Mohammad Nagib Khan ACOHEEA**

SENTENCE

1. Accused no.1 was prosecuted for the offence of Money Laundering (**Counts 1 to 19 and Count 57**) in breach of **Sections 3(1) (b), 6 and 8 of the Financial Intelligence and Anti-Money Laundering Act 2002** (the 'FIAMLA').
2. Accused no.2 was also prosecuted for the offence of Money Laundering (**Counts 20 to 57**) in breach of **Sections 3(1) (b), 6 and 8 of the FIAMLA**.
3. Both accused pleaded guilty to all the charges against them and were inops consilii.
4. Accused no.1 was found guilty under **Counts 1 to 19 and Count 57** whilst accused no.2 was found guilty under **Counts 20 to 57**.
5. A sentencing hearing was conducted. Investigator Chundoo (witness no.1) produced five statements recorded from accused no.1 – **Docs A, A1, A2, A3 and A4** and seven statements recorded from accused no.2 – **Docs B, B1, B2, B3, B4, B5 and B6**. He also stated that both accused cooperated during the course of the enquiry.
6. The previous convictions of accused no.1 and accused no.2 were produced – **Doc X and Doc X1** respectively. The Prosecution also informed Court that accused no.1 had spent 1 day in police cell whilst accused no.2 had not spent any time on remand or police cell in respect of the present case.



7. Accused no.1, under oath, begged for excuse and stated that she has two shops and that she looks after his father-in-law and mother-in-law. Accused no.2, under oath, also begged for excuse and stated that he has two children and that his wife and father are ill.
8. Prior to 29th May 2019, the maximum sentence applicable for the offence of Money Laundering was a fine not exceeding Rs2 million and to penal servitude not exceeding 10 years. As at 29th May 2019, the legislator increased the fine to Rs.10 million and the penal servitude to 20 years – See **Act 9 of 2019** and **section 8 of FIAMLA**.
9. 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**.
10. In relation to the discount to be given to an accused party who pleads guilty, **section 69B of the District and Intermediate Courts (Criminal Jurisdiction) Act** provides that:

“The District and Intermediate Court may mitigate the sentence of an accused party who appears before it and makes, in the opinion of the Court, a timely plea of guilty to the offence with which he stands charged.”

11. In **The State v Mootien and Ors [2009] SCJ 28**, it was held that:

“In relation to the discount to be given to an accused party who pleads guilty, I bear in mind the SGC Revised Guideline “Reduction in Sentence for Guilty plea (July 2007) referred to in Blackstone’s Criminal Practice (2008)” at page 2070 to which I was referred by Counsel for accused No. 1. I also agree that the Criminal Division of the Supreme Court seems to have applied the recommendation contained in that guideline that one third deduction be given where the plea is indicated at the first reasonable opportunity. However, I am of the view that the actual discount to be given for a plea of guilty still remains a matter of discretion for the Court having regard to the circumstances of each particular case.” (Underlying is mine)

12. In the present case, both accused have pleaded guilty at the first reasonable opportunity and as such, should be given one third deduction.
13. The Court has taken note of the gravity of the offences, i.e., 20 counts and 37 counts of money laundering offences against accused no.1 and accused no.2 respectively and the significant amount of money involved. The numerous charges are revealing of the fact that both accused have been laundering significant amount of money throughout a number of years.

14. In respect of accused no.1, the Court has taken into consideration the following mitigating factors, namely that she:

- a) has cooperated with the ICAC (now the Financial Crimes Commission) whereby she admitted being in possession of all the money but denied all charges of money laundering;
- b) has apologized and expressed remorse in Court;
- c) has two old persons under her care; and
- d) is not on record for any cognate offence.

15. In respect of accused no.2, the Court has taken into consideration the following mitigating factors, namely that he:

- a) has cooperated with the ICAC (now the Financial Crimes Commission) whereby he admitted being in possession of all the money but denied all charges of money laundering;
- b) has apologized and expressed remorse in Court;
- c) has two children and a wife and father who are ill; and
- d) is not on record for any cognate offence.

16. After taking into consideration all the facts and circumstances, including 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. Furthermore, the Court has taken also note of the fact, as stated by the Prosecutor, that the Rs. 1,000,000/ in cash, subject matter of Count 57, was seized by the ADSU and that the Financial Crimes Commission will do the procedures for its confiscation.

17. Accused no.1 is accordingly sentenced to a fine of:

1. Rs. 50,000/- under **Count 1**;
2. Rs. 25,000/- under **Count 2**;
3. Rs. 100,000/- under **Count 3**;
4. Rs. 50,000/- under **Count 4**;
5. Rs. 40,000/- under **Count 5**;
6. Rs. 30,000/- under **Count 6**;
7. Rs. 30,000/- under **Count 7**;
8. Rs. 50,000/- under **Count 8**;
9. Rs. 20,000/- under **Count 9**;
10. Rs. 50,000/- under **Count 10**;
11. Rs. 100,000/- under **Count 11**;
12. Rs. 20,000/- under **Count 12**;
13. Rs. 20,000/- under **Count 13**;



14. Rs. 50,000/- under **Count 14**;
15. Rs. 4,000/- under **Count 15**;
16. Rs. 3,000/- under **Count 16**;
17. Rs. 2,000/- under **Count 17**;
18. Rs. 2,000/- under **Count 18**;
19. Rs. 5,000/- under **Count 19**; and
20. Rs. 200,000/- under **Count 57**.

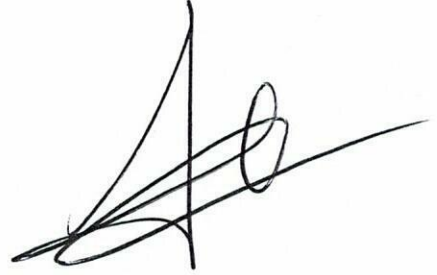
18. Accused no.2 is accordingly sentenced to a fine of:

1. Rs. 50,000/- under **Count 20**;
2. Rs. 40,000/- under **Count 21**;
3. Rs. 100,000/- under **Count 22**;
4. Rs. 20,000/- under **Count 23**;
5. Rs. 50,000/- under **Count 24**;
6. Rs. 60,000/- under **Count 25**;
7. Rs. 45,000/- under **Count 26**;
8. Rs. 100,000/- under **Count 27**;
9. Rs. 70,000/- under **Count 28**;
10. Rs. 20,000/- under **Count 29**;
11. Rs. 100,000/- under **Count 30**;
12. Rs. 40,000/- under **Count 31**;
13. Rs. 40,000/- under **Count 32**;
14. Rs. 100,000/- under **Count 33**;
15. Rs. 20,000/- under **Count 34**;
16. Rs. 100,000/- under **Count 35**;
17. Rs. 4,000/- under **Count 36**;
18. Rs. 3,000/- under **Count 37**;
19. Rs. 40,000/- under **Count 38**;
20. Rs. 30,000/- under **Count 39**;
21. Rs. 10,000/- under **Count 40**;
22. Rs. 40,000/- under **Count 41**;
23. Rs. 30,000/- under **Count 42**;
24. Rs. 30,000/- under **Count 43**;
25. Rs. 25,000/- under **Count 44**;
26. Rs. 30,000/- under **Count 45**;
27. Rs. 8,000/- under **Count 46**;
28. Rs. 15,000/- under **Count 47**;
29. Rs. 45,000/- under **Count 48**;
30. Rs. 4,000/- under **Count 49**;



31. Rs. 25,000/- under **Count 50**;
32. Rs. 100/- under **Count 51**;
33. Rs. 2,000/- under **Count 52**;
34. Rs. 2,000/- under **Count 53**;
35. Rs. 800/- under **Count 54**;
36. Rs. 700/- under **Count 55**;
37. Rs. 3,000/- under **Count 56**; and
38. Rs. 200,000/- under **Count 57**.

19. Both accused are further ordered to pay Rs. 500/- as costs.



A.R. TAJOODEEN
Magistrate of the Intermediate Court (Financial Crimes Division)
17.12.2024

