

FCD CN: 30/2020
CN: 410/14

**IN THE INTERMEDIATE COURT OF MAURITIUS
(FINANCIAL CRIMES DIVISION)**

In the matter of:

Independent Commission Against Corruption

v/s

- 1. Lakshmi Yashna Benika SUBDHAN**
- 2. Zafiirah Bibi GOULAMGHOSS**

SENTENCE

1. Both accused parties were prosecuted for the offence of Money Laundering in breach of sections 3(1)(a) and (b) respectively, 6(3) and 8 of the Financial Intelligence and Anti-Money Laundering Act 2002 (FIAMLA). Accused no.1 was convicted as charged under Counts 13 and 14 of the Information. Accused no.2 was found not guilty as per the respective Counts in the Information.
2. At the time of lodging of the case, the prescribed sentence for the above offence was a fine not exceeding 2 million rupees and to penal servitude for a term not exceeding 10 years.

CASE FOR THE PROSECUTION

3. The case for the prosecution has been laid out at trial stage, and no additional evidence was adduced for sentencing purposes. The accused has a clean record.



DEFENCE CASE

4. The accused adduced evidence under oath to the effect that more than 12 years have elapsed since the start of the enquiry for this case. She has been attending the then ICAC offices and District Courts on a fairly regular basis. She has always attended court whenever required. During the first trial, the case neared the closing stages and had to be started anew due to transfer of Magistrate.
5. The personal circumstances of the accused were portrayed by her, as a family-oriented lifestyle. She is married and has a four years old child. She was still living with her mother. She could not secure any paid work for the duration of her involvement with the justice system. She was of the opinion that she may never work again in her chosen field, due to a tarnished certificate of morality. Her young child will unfortunately be indirectly affected.
6. The accused has shown remorse during her testimony by stating that she has learned her lesson. She was relatively very young when she committed the offence. She asked for forgiveness. She was credulous to the circumstances at the time of offence, and promised not to recur.

ASSESSMENT OF THE COURT

7. The accused has a clean record. Whilst a clean record does not guarantee leniency, it gives an insight into the accused's character and predictive behavioral patterns, vide **Khoyratty v State 2018 SCJ 382**. She has not committed any other offence for about 12 years, and such can only be weighed in her favour.
8. I have taken into consideration the personal circumstances of the accused and her remorseful demeanour. It is noted that her formative years for her career may have been spent fighting her case, due to the lengthy passage of time, from lodging of the Information to judgment. I am also alive to the fact that, had her conviction been delivered earlier, her certificate of morality would have been equally tarnished. Nevertheless, the lapse of time will be given its due weight in the sentence, vide **Boolell v State 2006 MR 175**.



9. Being a first-time offender, the amount of money the accused has laundered, and the pronouncements in **Heerah v State 2012 SCJ 71**, I find that a custodial sentence is not warranted in this case.

CONCLUSION

10. The accused is sentenced to pay a fine of Rs75,000 on each Count 13 and 14, respectively, plus Rs500 as costs.



P K Rangasamy
Magistrate of the Intermediate Court

13.12.24