

FCD CN: FR/L24/2022

IN THE INTERMEDIATE COURT OF MAURITIUS
(FINANCIAL CRIMES DIVISION)

In the matter of:

ICAC
(Now THE FINANCIAL CRIMES COMMISSION)

V

1. Indrawtee RAMDIN
2. Vandana RAMDIN

JUDGMENT

A. Background

1. Accused no.1 is being prosecuted for the offence of Money Laundering (20 Counts) in breach of:
 - a. sections 3(1)(b), 6 and 8 of the Financial Intelligence and Anti-Money Laundering Act 2002 (the 'FIAMLA') (Counts 1-16); and
 - b. sections 3(1)(a), 6 and 8 of the FIAMLA (Counts 17-20).
2. Accused no.2 is being prosecuted for the offence of Money Laundering (7 Counts) in breach of:
 - a. sections 3(1)(a), 6 and 8 of the FIAMLA (Count 21); and
 - b. sections 3(1)(b), 6 and 8 of the FIAMLA (Counts 22-27).
3. Both accused pleaded not guilty and were represented by Counsel, Mr. Banji Soni.
4. The case for the Prosecution was conducted by Mr. L. Nulliah.



B. Case for the Prosecution

5. Miss Rachelle Suzanne Chimon (witness no.7), Human Resource Manager at Veranda Grand Bay Hotel, stated that accused no.2 joined the said hotel on the 23rd December 2015 and left on the 28th October 2016. Accused no.2's last salary was Rs. 12,045/- and was credited in her bank account.
6. Miss Sophia Imbert-Legrigore (witness no.6), Human Resource manager at Vivo Energy Mauritius Ltd, stated that accused no.2 joined the said company in February 2017 as stock control assistant. As at 2018, she was drawing a monthly salary of Rs. 20,000/- which was credited in her bank account.
7. Mr. Loganaden Carpen (witness no.3), fraud investigator at the MCB, produced a correspondence sent by the MCB to the ICAC on the 14th July 2017 in respect of bank records of accused no.1 for the period 01st June 2010 to 22nd May 2017 – **Doc A** and **Doc B** refer.
8. Mr. S. Daibee (witness no.1), investigator at the ICAC and main enquiring officer, produced two statements which he recorded from accused no.1 on (i) the 07th September 2017 and (ii) the 20th September 2017 respectively and one statement which he recorded from accused no.2 on the 20th September 2017 – **Doc C**, **Doc C1** and **Doc D** refer. According to him, the enquiry revealed that:
 - a. accused no.1 was married to one Homanchal Kumar Ramdin and accused no.2 is her daughter. Accused no.1 was working as helper at Shanghai Express restaurant from 2002 to 2015 earning a salary between Rs. 5,700/- to Rs. 8,000/-;
 - b. accused no.2 initially worked at Global Sports Limited earning Rs. 400/- on race day. She joined Veranda Hotel in December 2015 earning a monthly salary of Rs. 15,000/- and then she joined VIVO Energies earning a monthly salary of Rs. 20,000/-;
 - c. analysis of banking transactions showed that both accused no.1 and no.2 made cash deposits from 2013 to 2016 for the majority of which they could not provide a satisfactory explanation;
 - d. Homanchal Kumar Ramdin was the business partner of one Navin Kisnah who was arrested in relation to an importation of 135kg of heroin in 2017. The said Navin Kisnah, in his statement to the ICAC, confirmed that he knew Homanchal Kumar Ramdin since 2004 and that he incorporated Koon Management Company Limited under latter's request to import articles on behalf of one Raoul. Later, Navin Kisnah came to know that Raoul was none other than Peroumal Veeren who was serving sentence for drug trafficking;



- e. Ligentia Mauritius Ltd is a freight forwarding company in which one Prakash Heeroo is an employee. Prakash Heeroo, in his statement to the ICAC, stated that all invoices and documents with respect to the importation in which drugs were found had been remitted to Navin Kisnah and Homanchal Kumar Ramdin since both were business partners;
 - f. both Homanchal Kumar Ramdin and Peroumal Veeren were detained at Beau Bassin prison in 2013 but no statement could be recorded from Homanchal Kumar Ramdin since he is untraceable;
 - g. accused no.1 admitted in her statement that in November 2013, she received a phone call from Homanchal Kumar Ramdin who was in prison and he told her that she would be receiving money from a person. She eventually received a plastic bag containing Rs. 500,000/- which she thought was from an illegal source; and
 - h. Navin Kisnah, in his statement to the ICAC, stated that Homanchal Kumar Ramdin told him that he met Peroumal Veeren in prison.
9. During cross examination, Mr. S. Daibee (witness no.1) conceded that apart from the fact that Homanchal Kumar Ramdin and Peroumal Veeren were serving sentence in the same prison in 2013 and the version of Navin Kisnah as to what Homanchal Kumar Ramdin told him, there is no other evidence with respect of any meeting between Homanchal Kumar Ramdin and Peroumal Veeren.
10. Investigator Luckhun (witness no.2) produced two statements which he recorded from accused no.1 on (i) the 21st March 2019 and (ii) the 16th April 2019 respectively and one statement which he recorded from accused no.2 on the 14th February 2019 – **Doc C2, Doc C3 and Doc D1** refer. According to him, since accused no.1 had admitted that she thought the Rs. 500,000/- she received were derived from illegal activities, it was not important to further question her as to the nature of such illegal activities.
11. Mr. Jayram Naggea (witness no.4), compliance manager at the British American Exchange Co. Ltd, produced a correspondence, dated the 03rd September 2018, sent by the company to the ICAC together with 3 annexures – **Doc E** refer. According to **Doc E**, accused no.1 made a transfer of Rs. 14,460/- to one Rayees Qadri in India on the 03rd December 2013 and another transfer of Rs. 23,920/- to one Sameer Shaikh in India on the 31st December 2013.
12. Mr. Chitrunjun Sowambur (witness no.5) was the group MLRO for the State Bank of Mauritius in 2018. He produced (i) a correspondence sent by the bank to the ICAC on the 31st July 2017, (ii) a statement of account of accused no.1 for the period 01st May 2010 to 12th September 2016

and (iii) a statement of account of accused no.2 for the period 01st May 2010 to 12th September 2016 – **Doc F, Doc G and Doc H** refer.

13. Miss Nandini Persoo (witness no.10) is a legal associate at Maubank Ltd. She produced a correspondence dated the 29th June 2017 sent by the bank to the ICAC together with a statement of account of accused no.1 for the period 29th June 2016 to 29th June 2017 – **Doc J** refers.
14. Mr. Navin Kisnah (witness no.9) stated that he had been working as Customs Clerk in different freight clearing and forwarding companies before 2015. In February 2016, he set up Koon Management International Company Ltd upon the request of one Homanchul Kumar Ramdin for the importation of construction materials and general goods on behalf of one Raoul. Homanchul Kumar Ramdin told him that he had met one Raoul in prison in 2013 when he was serving sentence for a larceny case and that the real name of Raoul is Peroumal Veeren. Homanchul Kumar Ramdin also gave him a phone number on which he had to contact Raoul in respect of importations to be done. On that phone number, he used to talk to Peroumal Veeren practically every day when clearance of importation was being done. He made some eleven importations on the instructions of Peroumal Veeren. There was also a company named Brilliant Resources Consulting Limited (hereinafter referred to as 'BRC') for which Homanchul Kumar Ramdin was working. Upon the instructions of Peroumal Veeren, sand blasting pots were being imported on behalf of BRC from April 2016 to March 2017. In 2016, there were eight importations for an amount of 52 sand blasting pots and in 2017, there was one importation for six sand blasting pots. In 2017, he came to know that six sand blasting pots had been seized by customs containing approximately 135kg of heroin. For these six sand blasting pots, upon instructions of Homanchul Kumar Ramdin, he dropped off documents at Licencia Mauritius Limited which is a clearing and forwarding agent. All costs for that importation were being paid by Homanchul Kumar Ramdin to Licencia Mauritius Limited. He conceded that he did pay for customs clearances on behalf on Koon Management International Company Ltd upon the instructions of Peroumal Veeren. It was one Manish Keshwin Seewoochurn who was giving him money to effect payment of the customs clearances and the money he was getting was more than it was needed to pay such clearances. The money that was in excess would be divided between him and Homanchul Kumar Ramdin. He was also dealing with one Prakash Heeroo, a customs clerk working at Licencia Ltd. He was instructed by Homanchul Kumar Ramdin to create an email and give a false name to Prakash Heeroo for him not to know his real name. Koon Management Ltd was mainly importing construction material, concrete mixers and vacuum cleaners. All importations were done under the instructions of Peroumal Veeren.
15. Mr. Prakash Heeroo (witness no.8) was working as customs clerk at Ligentia Mauritius Ltd, an international freight forwarding company. He was responsible for customs declaration and

follow import and export for clients. One of the clients of Ligentia Mauritius Ltd was BRC. It was one Homanchul Kumar Ramdin who approached Ligentia Mauritius Ltd on behalf of BRC for importation during the year 2016-2017. Ligentia Mauritius Ltd made 9 importations on behalf of BRC during a one-year period. At the beginning, all instructions for importations and documents thereof came from Homanchul Kumar Ramdin. Later he introduced one Kushal Ramchurn to him as someone working for BRC. He did meet both Homanchul Kumar Ramdin and Kushal Ramchurn personally at the office of Ligentia Mauritius Ltd. The nine importations were in relation to sun blasting equipment. Invoices were being collected by both Homanchul Kumar Ramdin and Kushal Ramchurn and they came to effect payment for each importation. Police intercepted the ninth importation in which drugs were found. That importation was done under the instructions of Kushal Ramchurn, whose real name he later came to know was one Navin Kisnah. The said Kushal Ramchurn was dealing with him by email on koon74@gmail.com.

16. Mrs. Huree Swaree Golap (witness no.15) is the sister of accused no.1 and aunt of accused no.2. She stated that she had previously helped accused no.1 financially for Rs. 20,000/- and gave Rs. 200/- to Rs. 300/- to accused no.2 as gift.
17. Mr. Soubiraj Pirthee (witness no.11) is the brother of accused no.1 and uncle of accused no.2. He works as lorry helper. He stated that he gave accused no.1 the sum of Rs. 20,000/- and also gave accused no.2 Rs.2000 to Rs. 3000/- for her studies.
18. Mr. Dhasil Pirthee (witness no.12) is the brother of accused no.1 and uncle of accused no.2. He works as general worker and earns Rs. 15,000/- monthly. He stated that he gave accused no.1 Rs. 2,000/- to Rs. 3,000/- when she was ill and Rs. 60,000/- as a family contribution. As for accused no.2, he has only given her Rs. 5,000/-.
19. Mrs. Rekha Gooljar (witness no.14) is the sister of accused no.1 and aunt of accused no.2. She works as sales representative. In 2013, she gave to accused no.1 the sum of Rs. 20,000/- as financial help and also used to give her Rs. 300/- to Rs. 1,000/- since she was not in good health. She also gave accused no.2 Rs. 5,000/- as gift for her birthday.

C. Case for defence

I. Accused no.1

20. From the of court statement of accused no.1 dated the 07th September 2017 (**Doc C**), she admitted and explained that:

- (i) she is married to one Homanchal Kumar Ramdin, a customs broker, and accused no.2 is her daughter;
- (ii) she had been previously working at Shangai Express restaurant as cook/helper from 2002 to 2015 initially drawing a monthly salary of Rs. 5,700/- and to Rs. 7,000/- in 2015 paid in her MCB bank account or by cheque which she would deposit in that bank account. She is not aware of the salary of her husband but latter was giving her Rs. 15,000/- monthly for household expenses;
- (iii) she has a personal bank account at the MCB, SBM and Maubank;
- (iv) bank account number 072408804 at the MCB is hers and in that account:
- a. she made a cash deposit of **Rs. 100,000/- on the 23rd June 2016**. That money was given to her by Homanchal Kumar Ramdin who told her he had won same from horse racing. She could neither produce any receipt nor could say on which day and on which horse her husband had won the money;
 - b. she made cash deposit of **Rs. 325,000/- on the 26th August 2016**. That money was given to her by Homanchal Kumar Ramdin who told her that he won same from horse racing and produced copy of receipts she had remitted to the bank upon depositing that money;
 - c. she made a cash deposit of **Rs. 12,000/- on the 20th October 2016** which represented her salary when she was working in the restaurant at Caudan;
 - d. a sum of **Rs. 34,100.96/- was credited on the 13th April 2016** which represented a cheque from Shanghai Express restaurant for her salary;
 - e. she made a cash deposit of **Rs. 50,000/- on the 22nd November 2013** which she did not remember its source;
 - f. she made a cash deposit of **Rs. 23,000/- on the 17th December 2013** which she did not remember its source;
 - g. she made a cash deposit of **Rs. 20,000/- on the 29th May 2015** which she did not remember its source;
 - h. she made a cash deposit of **Rs. 20,000/- on the 12th April 2011** which she did not remember its source; and



- i. she made a cash deposit of **Rs. 30,000/- on the 07th June 2011** which she did not remember its source.

(v) bank account number 012000008810 at the Maubank is hers and in that account:

- a. she made a cash deposit of **Rs. 50,000/- on the 30th June 2016**. That money was given to her by Homanchal Kumar Ramdin who told her it came from his scrap metal business;
- b. she made a cash deposit of **Rs. 70,000/- on the 11th July 2016**. That money was given to her by Homanchal Kumar Ramdin but she did not remember its source; and
- c. she made a cash deposit of **Rs. 12,000/- on the 04th November 2016** which was money she had saved.

21. From the of court statement of accused no.1 dated the 20th September 2017 (**Doc C1**), she admitted and explained that bank account number 00110100297642 at the SBM is hers and in that account:

- a. she made a cash deposit of **Rs. 50,000/- on the 27th December 2010** which she did not remember its source;
- b. she made a cash deposit of **Rs. 65,000/- on the 10th February 2016** which she did not remember its source;
- c. she made a cash deposit of **Rs. 60,000/- on the 23rd February 2016** which she did not remember its source;
- d. she made a cash deposit of **Rs. 90,000/- on the 10th March 2011** which she did not remember its source;
- e. she made a cash deposit of **Rs. 10,000/- on the 30th August 2012** which was money she had saved;
- f. she made a cash deposit of **Rs. 100,000/- on the 19th November 2013** which was a gift from her brothers Ajay Pirthee, Sanjay Pirthee, Dashil Pirthee and her sisters Jyoti Golab and Rekha Gooljur;

- g. she made a cash deposit of **Rs. 60,000/- on the 29th May 2015** which was money she won from horse racing but could not produce any receipt nor remember on which horse she had won but which her two friends Dilip Chowbay and Ajay Ramjuttun played for her;
- h. she made a cash deposit of **Rs. 60,000/- on the 30th May 2016** which she did not remember its source;
- i. she made a cash deposit of **Rs. 100,000/- on the 29th June 2016** which she did not remember its source;
- j. she made a cash deposit of **Rs. 60,000/- on the 11th July 2016** which she did not remember its source;
- k. she made a second cash deposit of **Rs. 60,000/- on the 11th July 2016** which she did not remember its source;
- l. she made a cash deposit of **Rs. 30,000/- on the 08th August 2016** which she did not remember its source;
- m. she made a cash deposit of **Rs. 7,000/- on the 18th October 2016** which was money she obtained through 'met sit' with friends;
- n. she made a cash deposit of **Rs. 5,000/- on the 20th October 2016** which was money as refund for security for bail; and
- o. she made a cash deposit of **Rs. 15,000/- on the 03rd November 2016** which she did not remember its source.

22. From the of court statement of accused no.1 dated the 21st March 2017 (**Doc C2**), she admitted and explained that:

(i) in her MCB bank account number 000072408804:

- a. she made a cash deposit of **Rs. 50,000/- on the 04th March 2011** which she did not remember its source; and
- b. there is a cheque deposit of **Rs. 20,000/- on the 21st November 2012** issued by Sandree and Bros Ltd for which she does not have any explanation.

(ii) in her SBM bank account number 00110100297642:



- a. there is a cash deposit of **Rs. 10,000/- on the 30th August 2012** which she previously stated was made by her (**Doc C1**) but which was in fact made by accused no.2 in that bank account; and
- b. for the two cash deposits of **Rs. 60,000/- on the 11th July 2016** for which she did not remember the source (**Doc C1**), she now admits that it was Homunchal Kumar Ramdin, who deposited that money in her account. She also signed on the two deposit vouchers where it is mentioned that the source of the money is from sales of animals but her husband never made any such sales;

(iii) in Vidoushi Ramdin's SBM bank account number 00110100311654, she admitted having made cash deposits of (i) **Rs. 3,500/- on the 08th September 2016**, (ii) **Rs. 2,000/- on the 13th April 2011**, (iii) **Rs. 20,000/- on the 25th July 2016** and (iv) **Rs. 15,000/- on the 08th August 2016** which was money she and Vidoushi had saved except for the deposit of **Rs. 5,000/- on the 02nd December 2012** for which she does know who made same;

(iv) in Vidoushi Ramdin's MCB bank account number 000014844702, she admitted having made a cash deposit of **Rs. 10,000/- on the 21st January 2011** for which she did not remember its source;

(v) in Aadarsh Ramdin's (her son) SBM bank account number 00110100311672, she admitted having made cash deposits of (i) **Rs. 2,000/- on 08th September 2010**, (ii) **Rs. 2,000/- on 13th April 2011**, and (iii) **Rs. 5,000/- on 02nd December 2013** which represent money she and her son had saved;

(vi) in Aadarsh Ramdin's (her son) MCB bank account number 000440663407, she admitted having made a cash deposit **Rs. 10,000/- on 21st January 2011** which represents money she and her son had saved and

(vii) she denied all allegations of money laundering.

23. From the of court statement of accused no.1 dated the 16th April 2019 (**Doc C3**), she admitted and explained that:

(i) she sent money twice to India through British American Exchange Co. Ltd at the request of her husband Homanchal Kumar Ramdin on (i) **03rd December 2013 for the sum of Rs. 14,460/-** and on (ii) **31st December 2013 for the sum of Rs. 23,920/-**;

(ii) she received a bag in November 2013, containing cash money for the sum of **Rs. 500,000/-** from an unknown person as was previously explained to her by Homanchal Kumar Ramdin



who was in prison at that time. She thought that this money must have come from illegal activities; and

(iii) she denied all allegations of money laundering.

II. Accused no.2

24. From the of court statement of accused no.2 dated the 20th September 2017 (**Doc D**), she admitted and explained that:

(i) she is currently working at Vivo Energy (Mauritius) earning a monthly salary of Rs. 20,000/-;

(ii) she was previously working at Veranda Hotel earning a monthly salary of Rs. 15,000/- and prior to that, she worked, on a part time basis, for Global Sport earning Rs. 400/- daily;

(iii) her father is Homanchal Kumar Ramdin, a customs broker and also dealer in scrap metals;

(iv) her mother is Indrawtee Ramdin (accused no.1) and she was previously working at Shangai Restaurant;

(v) MCB bank account number 014058766 is hers and her salary was credited into same. She made a cash deposit of **Rs. 50,000/- on the 25th July 2016** which she won from horse racing but did not have any receipt;

(vi)SBM bank account number 00110100311668 is hers and in which she made:

- a. a cash deposit of **Rs. 50,000/- on 23rd December 2013**. That money had been given to her by her grandfather, Pamaden Ramdin, her grandmother (now deceased) and her three uncles, Ajay Pirthee, Dashul Pirthee and Sanjay Pirthee;
- b. cash deposits of **Rs. 40,000/- on 09th June 2016** and **Rs. 70,000/- on 27th June 2016**. The Rs. 40,000/- was given to her by her grandfather following the death of her grandmother whilst out of the Rs. 70,000/, Rs. 45,000/- represents gifts from her parents, his uncles and aunties, Rekha and Jyoti and the remaining Rs. 25,000/- represent money she won from horse racing for which she can produce receipts; and



- c. cash deposits of **Rs. 50,000/- on 25th July 2016** and **Rs. 80,000/- on 02nd September 2016**. Both represent money she won from horse racing for which she only had a receipt for the Rs. 50,000/- which she can produce but did not remember on which horse or bookmaker the bets were made.

25. From the of court statement of accused no.2 dated the 14th February 2019 (**Doc D1**), she admitted and explained that:

- (i) MCB account number 000014058766 is hers but cannot remember the source of the money that was deposited in cash for **a. Rs. 15,000/- on the 19th January 2011** and **b. Rs. 4,000/- on the 07th October 2011** because its long time ago;
- (ii) she did mention that she had horse racing receipt for the cash deposit of **Rs. 50,000/- on the 25th July 2016** but still have to look for same;
- (iii) she does not remember the bookmakers with whom she had placed bets;
- (iv) in her SBM account number 00110100311668, there is a cash deposit of **Rs. 50,000/- on the 23rd December 2013** which represents money she received as gifts from relatives but does not remember when that money was given;
- (v) she made a cash deposit of **Rs. 50,000/-** in the SBM account of her sister Vidoushi Ramdin but did not remember its source;
- (vi) she made a cash deposit of **Rs. 40,000/-** in her SBM account which was remitted to her by her grandfather after the demise of her grandmother;
- (vii) she made a cash deposit of **Rs. 70,000/-** in the SBM account out of which Rs. 45,000/- represent gifts from her relatives and Rs. 25,000/- represent money from horse racing. She however cannot remember what sum of money each relative gave her; and
- (viii) she does not know whether his father was involved with Ligentia Mauritius Ltd or BRC or Koon Managament Ltd and she does not know any Navin Kisnah.

D. The Submissions

26. Learned Counsel for the prosecution submitted that the links between Homanchal Kumar Ramdin, Navin Kisnah (witness no.9) and Peroumal Veeren, the amount of drugs seized and the fact that accused no.1 and 2 could not explain the money under the Counts against them



are sufficient reasons for the Court to conclude that the prosecution has proved its case beyond reasonable doubt.

27. On the other hand, learned Counsel for both accused submitted that there is no evidence linking the money under the different counts with the drugs seized. According to him, the case for the prosecution is based on flimsy circumstantial evidence on which the Court cannot find both accused guilty. Also, learned Counsel stressed that there has been no proper investigation on the explanations provided by both accused to the ICAC.

E. Analysis

28. Section 3(1) (a) & (b) of the FIAMLA provides:

"(1) Any person who –

(a) engages in a transaction that involves property which is, or in whole or in part directly or indirectly represents, the proceeds of any crime;

(b) or receives, is in possession of, conceals, disguises, transfers, converts, disposes of, removes from or brings into Mauritius any property which is, or in whole or in part directly or indirectly represents, the proceeds of any crime,

where he suspects or has reasonable grounds for suspecting that the property is derived or realized, in whole or in part, directly or indirectly from any crime, shall commit an offence."

29. In the present case, the prosecution has to prove that:

- (i) both accused either engaged in a transaction, received, was in possession or transferred property (as the case may be);
- (ii) the property is, in whole or in part directly or indirectly represents, the proceeds of any crime; and
- (iii) both accused suspected or had reasonable grounds for suspecting that the property is derived, in whole or in part, directly or indirectly from a crime.



(i) the transaction/receipt/possession/transfer/deposit of property and evidence thereto

30. As per **Doc C3**, accused no.1 admitted having received a sum of Rs. 500,000/- in cash in November 2013 – **Count 1**.
31. As per **Doc C**, accused no.1 admitted being in possession of Rs. 50,000/- in her bank account no. 000072408804 – **Count 2**.
32. As per **Doc C3**, accused no.1 admitted having transferred Rs. 14,460/- through the British American Exchange Co Ltd – **Count 3**.
33. As per **Doc C**, accused no.1 admitted being in possession of Rs. 23,000/- in her bank account no. 000072408804 – **Count 4**.
34. As per **Doc C3**, accused no.1 admitted having transferred Rs. 23,920/- through the British American Exchange Co Ltd – **Count 5**.
35. As per **Doc C**, accused no.1 admitted being in possession of Rs. 20,000/- in her bank account no. 000072408804 – **Count 6**.
36. As per **Doc C1**, accused no.1 admitted being in possession of Rs. 60,000/- in her bank account no. 00110100297642 – **Count 7**.
37. As per **Doc C1**, accused no.1 admitted being in possession of Rs. 60,000/- in her bank account no. 00110100297642 – **Count 8**.
38. As per **Doc C**, accused no.1 admitted being in possession of Rs. 100,000/- in her bank account no. 000072408804 – **Count 9**.
39. As per **Doc C1**, accused no.1 admitted being in possession of Rs. 100,000/- in her bank account no. 00110100297642 – **Count 10**.
40. As per **Doc C**, accused no.1 admitted being in possession of Rs. 50,000/- in her bank account no. 012000008810 – **Count 11**.
41. As per **Doc C**, accused no.1 admitted being in possession of Rs. 70,000/- in her bank account no. 012000008810 – **Count 12**.

42. As per **Doc C1**, accused no.1 admitted being in possession of Rs. 60,000/- in her bank account no. 00110100297642 – **Count 13**.
43. As per **Doc C1**, accused no.1 admitted being in possession of Rs. 60,000/- in her bank account no. 00110100297642 – **Count 14**.
44. As per **Doc C1**, accused no.1 admitted being in possession of Rs. 30,000/- in her bank account no. 00110100297642 – **Count 15**.
45. As per **Doc C**, accused no.1 admitted being in possession of Rs. 12,000/- in her bank account no. 012000008810 – **Count 16**.
46. As per **Doc C2**, accused no.1 denied having made any deposit of Rs. 5,000/- in the bank account no. 00110100311654 of Vidoushi Ramdin – **Count 17**.
47. As per **Doc C2**, accused no.1 admitted having engaged in a transaction by making a cash deposit of Rs. 5,000/- in bank account no. 00110100311672 of Aadarsh Ramdin – **Count 18**.
48. As per **Doc C2**, accused no.1 admitted having engaged in a transaction by making a cash deposit of Rs. 20,000/- in bank account no. 00110100311654 of Vidoushi Ramdin – **Count 19**.
49. As per **Doc C2**, accused no.1 admitted having engaged in a transaction by making a cash deposit of Rs. 15,000/- in the bank account no. 00110100311654 of Vidoushi Ramdin – **Count 20**.
50. As per **Doc D1**, accused no.2 admitted having engaged in a transaction by making a cash deposit of Rs. 50,000/- in the bank account no. 00110100311654 of Vidoushi Ramdin – **Count 21**.
51. As per **Doc D**, accused no.2 admitted having been in possession of Rs. 50,000/- in her bank account no. 00110100311668 – **Count 22**.
52. As per **Doc D**, accused no.2 admitted having been in possession of Rs. 40,000/- in her bank account no. 00110100311668 – **Count 23**.
53. As per **Doc D**, accused no.2 admitted having been in possession of Rs. 70,000/- in her bank account no. 00110100311668 – **Count 24**.



54. As per **Doc D**, accused no.2 admitted having been in possession of Rs. 50,000/- in her bank account no. 00110100311668 – **Count 25**.

55. As per **Doc D**, accused no.2 admitted having been in possession of Rs. 50,000/- in her bank account no. 000014058766 – **Count 26**.

56. As per **Doc D**, accused no.2 admitted having been in possession of Rs. 80,000/- in her bank account no. 00110100311668 – **Count 27**.

57. Now, “property” is defined in **section 2 of the FIAMLA** as:

“(a) means property of any kind, nature or description, whether moveable or immoveable, tangible or intangible...”

58. From that definition, it is undisputed that money does fall under the definition of “property” for the purposes of **sections 2 and 3 (1) (a) & (b) of the FIAMLA**.

59. As per accused no.1 and 2 own admissions, as highlighted above, coupled with the different bank statements produced (**Doc B, Doc G, and Doc H**) and correspondence from British American Exchange Co. Ltd (**Doc E**), the Court concludes that the prosecution has proved, beyond reasonable doubt, that both accused did engage in a transaction, received, was in possession or transferred property under **Counts 1 to 16** and **Counts 18 to 27** as per the Information.

60. In respect of **Count 17**, accused no.1 has denied having made any deposit of Rs. 5,000/- in the bank account no. 00110100311654 of Vidoushi Ramdin. She explained that the deposit voucher, which was confronted to her during the enquiry, does not bear her name or signature. It is noteworthy that the said Vidoushi Ramdin was not called by the prosecution to elicit whether it was accused no.1 who deposited that money in her account. As such, the Court concludes that the prosecution has not proved, beyond reasonable doubt, that accused no.1 engaged in a transaction by depositing Rs. 5,000/- in the bank account no. 00110100311654 of Vidoushi Ramdin on the 02nd December 2013 under **Count 17**.

(ii) **the property is, in whole or in part, directly or indirectly represents, the proceeds of any crime**

61. It is incumbent upon the prosecution to prove that the money, as specified under each Count of the present Information is, in whole or in part directly or indirectly represents, the proceeds of any crime. The prosecution need not aver nor prove any crime since proof of a predicate offence is not an element of the offence for money laundering under **section 3 of the FIAMLA**.



In other words, the prosecution need not identify and prove the specific predicate offence which generated the proceeds.

62. As stated in **DPP v Bholah [2011] UKPC 44**:

"33. The Board has therefore concluded that proof of a specific offence was not required in order to establish guilt under section 17(1) of ECAMLA. It is sufficient for the purposes of that subsection that it be shown that the property possessed, concealed, disguised, or transferred etc represented the proceeds of any crime – in other words any criminal activity – and that it is not required of the prosecution to establish that it was the result of a particular crime or crimes. In light of this conclusion it follows that a failure to identify and prove a specific offence as the means by which the unlawful proceeds were produced is not a breach of section 10(2)(b) of the Constitution. In the Board's view, that section requires that the nature of the offence of which the accused person must be informed is that with which he is charged, in this case the offence of money laundering. Proof of a particular predicate crime is not an essential "element" of the offence of money laundering."

63. Here, it suffices that the prosecution establishes that the property represented proceeds of a criminal activity. As was explained in **R v Anwoir [2009] 1 WLR 980**:

"We consider that in the present case the Crown are correct in their submission that there are two ways in which the Crown can prove the property derives from crime, (a) by showing that it derives from conduct of a specific kind or kinds and that conduct of that kind or those kinds is unlawful, or (b) by evidence of the circumstances in which the property is handled which are such as to give rise to the irresistible inference that it can only be derived from crime."

64. In that respect, in **Audit v The State [2016] SCJ 282**, it was likewise held:

*"We are of the opinion that even if the Magistrate did not refer to the case of **DPP v Bholah [2011] UKPC 44 [2010 PRV 59]**, he rightly came to the conclusion that "when the evidence on record as well as the suggestions that arise from the cross-examination adopted by the Defence are considered, it barely leaves any doubt that the only irresistible inference is that the property under all five counts were derived from a crime. The learned Magistrate went further in his analysis and stated that "even though the prosecution was not under any obligation to aver any particular crime, it did so in the present case". Whether at the end of the day, this Court finds that it is not larceny but forgery or any other offence is*

of no effect whatsoever since the law has explicitly provided that the only requirement is for the prosecution to aver "a crime" and for the Court then to reasonably infer whether the proceeds were proceeds of a crime in the light of evidence on record."

In DPP v Bholah (Supra) the Judicial Committee held that "Proof of a particular predicate crime is not an essential "element" of the offence of money laundering". It is therefore sufficient for the purposes of section 3(1) of FIAMLA that it was shown that the appellant was in possession of property, which is, in whole or in part, directly or indirectly represent the proceeds of any crime that is any criminal activity.

We accordingly find that the learned Magistrate rightly applied the law in respect of the predicate offence and at no time he departed from the findings of the Judicial Committee in DPP v Bholah (supra). We therefore find no merits in grounds 3 and 8." (Underlining is mine)

65. In the present case, it is noteworthy that the prosecution has specified the crime as being 'drug dealing' under all Counts of the Information. However, it does not mean that the prosecution had to establish an actual case of drug dealing to prove that the money was proceeds of a crime – See Audit (supra).

66. It is noteworthy that in **Bhutto v The State [2018] SCJ 96**, Counsel for the appellant argued that since the prosecution had particularised the predicate offence as being the selling of tramadol, it had to prove that the proceeds were in fact derived from the sales of tramadol. The Appellate Court disagreed with such a proposition and held that:

"In the present case, the prosecution chose to specify the nature of the criminal activity that is the selling of Tramadol (Topalgic) without prescription. However, it was not incumbent on the prosecution to prove actual selling of Tramadol without prescription in order to establish that the sum Rs 1,896,000 represented proceeds of crime..."

... We have reviewed the evidence on record and we find that the learned Magistrate rightly concluded that there was sufficient evidence before her to infer that the appellants had reasonable ground to suspect that the large sum of money represented the proceeds of crime." (Underlining is mine)

67. The prosecution is relying on the testimony of Mr. Navin Kisnah (witness no.9) and Mr. Prakash Heeroo (witness no.8) to establish that the monies were derived from drug dealing activities. Their testimonies have not been seriously challenged by Counsel for both accused.

As per the testimony of Mr. Navin Kisnah, it is one Homanchul Kumar Ramdin who gave him the contact number of Peroumal Veeren. The said Peroumal Veeren was in prison. Homanchul Kumar Ramdin told him that he met Peroumal Veeren in prison in 2013 by the name of Raoul. Navin Kisnah (witness no.9) made several importations of sand blasting pots for the said Peroumal Veeren on behalf of BRC for which Homanchul Kumar Ramdin was working during the years 2016-2017. In 2017, six blasting pots were seized by the customs containing 135kg of heroin. For the latter import, documents were deposited under the instructions of Homanchul Kumar Ramdin.

68. It is undisputed that in 2013 sand blasting pots had not been imported by Navin Kisnah (witness no.9). At that time, as per the testimony of Navin Kisnah (witness no.9), he did not know Peroumal Veeren. However, accused no.1, in her statement to the ICAC (**Doc C3**), in unequivocal terms, narrated how her husband, i.e., Homanchul Kumar Ramdin, was in prison and through phone told her that someone would deliver money to her. Following that, in November 2013, she received a phone call from an unknown person asking her whereabouts and thereafter an unknown person came and gave her a plastic bag containing Rs. 500,000/-. At that moment, she thought that the money must have come from illegal activities. Although the circumstances do not reveal that the Rs. 500,000/- came from drug dealing, nevertheless, the way accused no.1 received that money gives rise to the irresistible inference that it can only be derived from a crime the more so when accused no.1 herself believed so – **Count 1**. Had it been otherwise, the delivery of that money would have been done differently without so much secrecy about the identity of the person who phoned and delivered that money to accused no.1.
69. In respect of the money under **Counts 2, 4, 6, 8, 10 and 15**, accused no.1, as per her statements to the ICAC, did not remember the source thereof. Now, if same formed part of her salary, it would have been paid in her MCB bank account or by cheque which she would have deposited in her bank account. This is not the case here. All these transactions were cash deposits. However, the Court notes that there is no evidence that Homanchul Kumar Ramdin was deriving immoderate money from Peroumal Veeren or otherwise in respect of his participation in the importation of sand blasting pots or that Homanchul Kumar Ramdin gave accused no.1 the money under those Counts. Nevertheless, the way accused no.1 came into possession of the initial Rs. 500,000/-, the fact that such money cannot be her salary and in the absence of any plausible explanation from her, such circumstances give rise to the irresistible inference that such monies can only be derived from a crime, albeit not from drug dealing.
70. In respect of **Counts 3 and 5**, accused no.1 herself admitted that she made such transfers from the Rs. 500,000/- she received in November 2013. As such, the Court has no difficulty in finding that the money under those two counts must have been derived from a crime albeit not from drug dealing.

71. As for the money under Count 7, accused no.1 explained that it came from horse racing. She however she could not provide any receipt for same nor remember the bookmaker with whom bets were placed. Now, horse racing is a much convenient way for money launderers to explain source of funds. Such an explanation has been used from time immemorial. However, merely stating that the money comes from horse racing will surely not suffice. One would be expected to keep handy the receipt of gains from horse racing in case of any query afterwards. Clearly accused no.1 had no such receipt nor could she remember the bookmaker with whom she placed bets. The Court cannot therefore accept the explanation of accused no.1. As such, such circumstances give rise to the irresistible inference that the money under Count 7 can only be derived from a crime albeit not from drug dealing.
72. As for Count 9, accused no.1 explained that her husband, Homanchul Kumar Ramdin, gave her that money and told her that it came from horse racing. She did not have any receipt. As for Count 11, accused no.1 explained that the money was given by her husband from his scrap metals' business. As for Count 12, accused no.1 explained that the money was given to her by her husband, Homanchul Kumar Ramdin, but she did not know the source. There is no evidence before this Court as to any investigation having been carried out into the businesses, including, the scrap metal business of Homanchul Kumar Ramdin, his bank accounts and his financial position. Such investigation would surely have been possible even if Homanchul Kumar Ramdin was untraceable. This would surely have shed light on whether Homanchul Kumar Ramdin was in a financial position to give such sums of money to accused no.1. The Court is alive to the link between Homanchul Kumar Ramdin, Peroumal Veeren and Navin Kisnah (witness no.9), the drugs secured and the Rs. 500,000/- which accused no.1 received in much suspicious circumstances; but all this it does not automatically make the money under those Counts tainted especially in the absence of any enquiry as earlier highlighted. As such, the Court concludes that the prosecution has not proved, beyond reasonable doubt, that the monies under Counts 9, 11 and 12 in whole or in part directly or indirectly represents, the proceeds of any crime.
73. With respect to Counts 13 and 14, accused no.1 initially stated that she did not know the source of the sum of Rs. 60, 000/- under each Count (**Doc C1**). However, in a further statement (**Doc C2**) she admitted that it was Homanchal Kumar Ramdin who deposited that money in her account. She also admitted that she signed on the two deposit vouchers where it is mentioned the source of the money as being the sales of animals. However, as she herself further admitted, her husband, Homanchal Kumar Ramdin, never made any such sales of animals. Clearly, the true source of the funds was such that it had to be concealed when the deposits were made. Therefore, these circumstances give rise to the irresistible inference that the money under Counts 13 and 14 can only be derived from a crime albeit not from drug dealing.



74. With respect to Counts 16 and 18, accused no.1 stated that this represented money she had saved. With respect to Counts 19 and 20, accused no.1 stated that this represented money she and accused no.2 had saved. The money under those Counts are Rs. 12,000/-, 5,000/-, 20,000/- and 15,000/- respectively. These are not huge sums of money which makes the possibility of them having been saved by accused no.1 improbable. On that score, there is no forensic accounting analysis of the financial situation of accused no.1 pointing otherwise. Indeed, such a forensic accounting analysis would have shed light on whether accused no.1 was in a financial situation to make such savings. As such, the Court concludes that the prosecution has not proved, beyond reasonable doubt, that the monies under Counts 16, 18, 19 and 20, in whole or in part directly or indirectly represents, the proceeds of any crime.
75. With respect to Counts 21 and 22, accused no.2 stated that the Rs. 50,000/- in each Count represented money given by her grandfather, Pamaden Ramdin, her grandmother (now deceased) and relatives. Her uncles, Mr. Soubiraj Pirthee (witness no.11) and Mr. Dhasil Pirthee (witness no.12), stated under oath that they gave accused no.2 Rs. 2,000/- to 3,000/- and Rs. 5,000/- respectively. Her aunts Mrs. Huree Swaree Golap (witness no.15) stated that she gave accused no.2 Rs. 200 to 300 as gift whilst Mrs. Rekha Gooljar (witness no.14) gave her Rs. 5,000/- as gift for her birthday. However, there is no evidence as to whether the ICAC enquired into the version of accused no.2 quoad Pamaden Ramdin her grandfather. Pamaden Ramdin would have been able to state whether he in fact gave money to accused no.2 and in which sum. In the absence of any such enquiry, the Court cannot outright conclude that such money was of tainted origin. There was an explanation by accused no.2 with sufficient precision in respect of an easily identifiable person, i.e., the grandfather of accused no.2, into which the ICAC should enquired into. The latter's version would have been an important factor in assessing the explanation of accused no.2 as to the source of the money. As such, the Court concludes that the prosecution has not proved, beyond reasonable doubt, that the money under Counts 21 and 22, in whole or in part directly or indirectly represents, the proceeds of any crime.
76. With respect to Count 23, accused no.2 stated that the Rs. 40,000/- was given to her by her grandfather following the demise of her grandmother. As already explained above, it was incumbent on the ICAC, as part of its enquiry, to get the version of Pamaden Ramdin, the grandfather of accused no.2. As such, the Court concludes that the prosecution has not proved, beyond reasonable doubt, that the money under Counts 23, in whole or in part directly or indirectly represents, the proceeds of any crime.
77. With respect to Count 24, accused no.2 stated that out of the Rs. 70,000/-, Rs. 45,000/- were from her relatives and Rs. 25,000/- was from horse racing. Taking into account the meagre amount of money that her uncles and aunts have given her, it is impossible that the Rs. 45,000/- were money from her relatives. Also, as already explained above, one would have expected



that she at least has receipt for the money she won from horse racing. As such, these circumstances give rise to the irresistible inference that the money under Counts 24 can only be derived from a crime albeit not from drug dealing.

78. With respect to Counts 25, 26 and 27, accused no.2 stated that the money, under those Counts, were from horse racing. Again, she has been unable to produce any receipt to that effect nor mention any bookmaker with whom bets were placed. Again, as already explained above, one would have expected that she at least the receipts for the money she won from horse racing. As such, these circumstances give rise to the irresistible inference that the money under Counts 25, 26 and 27 can only be derived from a crime albeit not from drug dealing.

(iii) accused suspected or had reasonable grounds for suspecting that the property is derived, in whole or in part, directly or indirectly from a crime

79. As for the element of mens rea, the prosecution has to prove that both accused suspected or had reasonable grounds for suspecting that the property is derived, in whole or in part, directly or indirectly from a crime. Here, the approach to be adopted in order to determine whether accused had the necessary mens reas was explained in Antoine v The State [2009] SCJ 328 (approved later in Audit (supra)). The Appellate Court, in that case, held that:

"Since suspicion has to be based on facts, it is the duty of the Court to analyse the whole of the evidence on record in order to determine whether or not it can be inferred, from the facts and circumstances of the case, that the accused reasonably suspected that the proceeds were proceeds of crime."

80. As for accused no.1, she admitted, in her statement to the ICAC (Doc C3) that she thought that the Rs. 500,000/- under Count 1 were from illegal activities. Indeed, receiving a phone call from her husband who was in prison telling her that someone will come and give her money, thereafter receiving a phone call from an unknown person asking for her whereabouts and afterwards an unknown man comes and leaves a plastic bag containing Rs. 500,000/- are surely circumstances from which accused no.1 must have reasonably suspected that the money was proceeds of crime.

81. For the money under Counts 2, 4, 6, 8, 10 and 15, accused no.1 is that she does not remember the source. As already explained earlier, such money cannot represent her salary. Accused no.1 could not provide any plausible explanation. It is oversimplistic to state that one does not remember the source of the money and try to absolve oneself from any knowledge of its illicit source. Such an explanation, on the contrary, coupled with the fact that it cannot be her salary and conveniently not remembering the source of so much money deposited at different



intervals, lead to the conclusion that accused no.1 must have reasonably suspected that the money under those Counts were proceeds of crime.

82. For the money under Counts 3 and 5, since this represented money from the Rs. 500,000/- under Count 1 and which she thereafter transferred, accused no.1 must have reasonably suspected that the money under those Counts were proceeds of crime.
83. For the money under Count 7, as explained earlier, accused explanation that such money comes from horse racing is not worthy of belief. Such an explanation is an easy escape route to explain the source of money. But not having any receipt to back up that explanation is consonant to trying to hide the true source of such money. As such, accused no.1 must have reasonably suspected that such money was proceeds of crime.
84. As for the money under Counts 13 and 14, accused herself admitted that her husband, Homanchal Kumar Ramdin, deposited that money in her bank account by stating the source of funds as sales of animals whilst there were no such sales. It is clear that accused no.1 was aware that of that lie being used to cover the true source of the funds. As such, accused no.1 must have reasonably suspected that such money under those Counts were proceeds of crime.
85. As for the money under Counts 24, 25, 26 and 27, accused no.2 explained that it was from horse racing and relatives. As explained earlier, such an explanation is not plausible and is an attempt by accused no.2 to conceal the true source of that money. The impossibility that the money was from her relatives and the fact that she could not produce any receipt for horse racing are suggestive of the fact that she must have reasonably suspected that the money under those Counts were proceeds of crime.

G. Conclusion

86. For the reasons above, the Court finds that the prosecution has:

- a. proved its case, beyond reasonable doubt, under Counts 1, 2, 3, 4, 5, 6, 7, 8, 10, 13, 14 and 15 against accused no.1 and accused no.1 is accordingly found guilty under those Counts;
- b. has not proved its case beyond reasonable doubt under Counts 9, 11, 12, 16, 17, 18, 19 and 20 against accused no.1 and those Counts are dismissed against accused no.1;
- c. proved its case, beyond reasonable doubt, under Counts 24, 25, 26 and 27 against accused no.2 and accused no.2 is accordingly found guilty under those Counts; and
- d. has not proved its case beyond reasonable doubt under Counts 21, 22 and 23 against accused no.2 and those Counts are dismissed against accused no.2.



A.R. TAJOODEEN

Magistrate of the Intermediate Court (Financial Crimes Division)

06.02.2025