

FCD CN: FR/L24/2022

IN THE INTERMEDIATE COURT OF MAURITIUS
(FINANCIAL CRIMES DIVISION)

In the matter of:

ICAC

(Now The Financial Crimes Commission pursuant to
section 168 (1) of the Financial Crimes Commission Act 2023)

V

1. Indrawtee RAMDIN
2. Vandana RAMDIN

SENTENCE

1. Accused no.1 was 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 was 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 were represented by Counsel, Mr. Banji Soni whilst the case for the Prosecution was conducted by Mr. L. Nulliah.
4. Accused no.1 was found guilty under **Counts 1, 2, 3, 4, 5, 6, 7, 8, 10, 13, 14 and 15** and accused no.2 was found guilty under **Counts 24, 25, 26 and 27**.
5. A sentencing hearing was conducted. The Prosecution informed Court that both accused are of clean record and have not spent any time on remand or police cell.
6. Accused no.1 deposed under oath. She stated that she is married but that her husband's whereabouts is unknown. She has 3 children and is receiving an invalid pension because of her

illness – Docs K, K1 and L refer. She further stated that she depends on her daughter and begged for excused and leniency

7. Accused no.2 also deposed under oath. At the time of the offence, she was of 22 years old. She is married but is currently going through divorce proceedings. She works as Stock Control Assistant at Vivo Energy and stated that her mother depends on her. She has a sister and a brother who is attending university. She also begged for excuse and leniency.
8. Learned counsel for both accused submitted that a non-custodial sentence will be adequate for both accused given the state of health of accused no.1, the delay of 12 years which has lapsed, their family conditions and their remorse expressed in Court.
9. Learned counsel for the Prosecution left matter in the hands of the Court.
10. The maximum sentence which was applicable for the offence of Money Laundering is a fine not exceeding Rs2 million and to penal servitude not exceeding 10 years by virtue of **Section 8(1) of the FIAMLA** at the time both accused committed the offences.
11. The Court is alive to the overriding principle that the sentence to be inflicted must be commensurate with the gravity of the offence – see **Khojratty v The State (2018) SCJ 382**.
12. The Court has taken note of the gravity of the offences for which both accused have been found guilty and the amount of money involved. On the other hand, the Court has taken into consideration the following mitigating factors, namely that:
 - a) accused no.1 is of old age, i.e., 54 years' old;
 - b) accused no.1 is paraplegic;
 - c) given the state of health of accused no.1, she needs constant personal attendance and receives invalidity pension for her subsistence (**Doc L**);
 - d) accused no.2 precarious personal condition, i.e., she is currently through divorce proceedings;
 - e) accused no.2 caters for her mother, i.e., accused no.1 and her brother who is attending university;
 - f) the remorse that both accused expressed in Court;
 - g) both accused are of clean record; and
 - h) the delay of approximately 12 years which has elapsed since the commission of the offences.

13. Given the mitigating factors, as highlighted above, the Court is of the view that a custodial is not warranted and that a fine under each count, for which both accused have been convicted, will meet the ends of justice.

14. Accused 1 is accordingly sentenced to a fine of:

1. Rs. 150,000/- under **Count 1**;
2. Rs. 15,000/- under **Count 2**;
3. Rs. 5,000/- under **Count 3**;
4. Rs. 7,000/- under **Count 4**;
5. Rs. 7,000/- under **Count 5**;
6. Rs. 5,000/- under **Count 6**;
7. Rs. 20,000/- under **Count 7**;
8. Rs. 20,000/- under **Count 8**;
9. Rs. 35,000/- under **Count 10**;
10. Rs. 20,000/- under **Count 13**;
11. Rs. 20,000/- under **Count 14**; and
12. Rs. 8,000/- under **Count 15**;

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

1. Rs. 23,000/- under **Count 24**;
2. Rs. 20,000/- under **Count 25**;
3. Rs. 20,000/- under **Count 26**; and
4. Rs. 30,000/- under **Count 27**.

16. Both accused are also to pay Rs. 500/- as costs.



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

19.03.2025