

MOOSANAH L. v INDEPENDENT COMMISSION AGAINST CORRUPTION & ANOR

2025 SCJ 215

Record No. 9281

THE SUPREME COURT OF MAURITIUS

In the matter of:

MOOSANAH Laldeo

Appellant

v.

- 1. The Independent Commission Against Corruption
(now the Financial Crimes Commission)**
- 2. The Director of Public Prosecutions**

Respondents

JUDGMENT

The appellant was charged and convicted under section 10(4) and 83 of the Prevention of Corruption Act ("POCA").

There are two grounds of appeal and on the day of the hearing, ground 2 which related to sentence was dropped and the only ground of appeal now is the following: *because the judgment reached by the Magistrate is wrong in law, in principle and wrong in fact.*

Now, this ground of appeal is glaringly general and vague and the respondents have rightly raised a preliminary objection to the ground being argued before us.

Respondent No. 1 objection is phrased as follows: -

“Ground 1 as worded is not a proper ground of appeal as it is couched in a language which is very vague and uncertain, and therefore should not be considered by the appellate court, as it does not amount to a grant of appeal”

Respondent No.2’s objection is similarly worded in that he too, states that the ground is very vague and uncertain.

We agree. A ground of appeal cannot be so general that it would allow for any point or issue to be raised on the day of hearing. This is settled law and has already been addressed on several occasions by the Supreme Court. We reproduce two extracts respectively from the judgments of **Cheetamun S. v The State** [\[2019 SCJ 49\]](#) (a judgment of three judges) and **Langue v The State** [\[2017 SCJ 55\]](#) both quoted by learned Counsel for respondent No.1:

In **Cheetamun**, the Court stated as follows:

“Regarding ground 1, we agree with the point raised by learned Counsel for the respondent that it is couched in such vague and uncertain terms that it does not in effect amount to a ground of appeal proper. It fails to identify the facts and/or evidence upon which the appellant may be relying under the said ground to challenge the judgment. An appellant who challenges the decision of a court cannot expect that the appellate court will entertain grounds of appeal which not only leave the appellate court in the dark as to what is being impugned in the judgment of the trial court but fails to convey to the other side the precise complaint which it has to meet.”

In **Langue**, it was stated that:

“The basic rule is that grounds of appeal must be carefully drafted, that is in a clear and precise manner so as to indicate to the other side, and indeed the court, what specific issues are being raised and have to be considered (see Joli (supra)). Should the court consider that the ground is a mischief ground, that is through its vagueness and generality raised new issues not envisaged in the impugned ground, the court will not consider same. As was stated in the case of Ramasamachetty v R [\[1872 MR 15\]](#) and cited in the case of Parahoo v The King [\[1950 MR 66\]](#), on vague and general grounds of appeal –“If we were to sustain such an argument it is very clear that reasons of appeal would be so framed henceforth as to conceal the grounds as much as possible, and would lead to great abuses in practice.”

We endorse and respectfully agree with the above two extracts. The present matter is an illustration of how a ground of appeal should not be drafted and it is doomed to failure for the reasons given above. The preliminary objection to ground 1 being argued before us of both respondents is upheld and the appeal is dismissed with costs.

**R. Teelock
Judge**

**K. D. Gunesh-Balaghee
Judge**

23 May 2025

Judgment delivered by Hon R. Teelock, Judge

**For Appellant : Mr. L. Mootoosamy, Attorney-at-Law
Mr. J. Seetaram, of Counsel**

**For Respondent No.1 : Mr. S. Sohawon, Attorney-at-Law
Mr. H. Ponen, together with
Mr. L. Nulliah, both of Counsel**

**For Respondent No.2 : Mrs. D. Dabeesing Ramlugan, Principal State Attorney
Mr. A. Neerooa, Senior Assistant DPP together with
Ms. V. Dawoonauth, State Counsel**