

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

**CN : FR/L14/2024**

**In the matter of:**

**The Independent Commission Against Corruption**

**V**

- 1. Jean Steve BEGUE**
- 2. Nicolarouche BEGUE**

**Sentence**

Accused 1 is convicted in respect of Count 1 with wilfully, unlawfully and criminally engaging in a transaction that involved property which, in whole or in part, directly or indirectly represented the proceeds of a crime, where he had reasonable grounds for suspecting that the property was derived, in whole or in part, directly or indirectly from a crime, in breach of **Sections 3(1) (a), 6 and 8 of The Financial Intelligence and Anti-Money Laundering Act.**

Accused 2 stands convicted in respect of Count 2 with wilfully, unlawfully and criminally being in possession of property which, in whole or in part, directly or indirectly represented the proceeds of a crime, where he had reasonable grounds for suspecting that the property was derived, in whole or in part, directly or indirectly from a crime, in breach of **Sections 3(1) (b), 6 and 8 of The Financial Intelligence and Anti-Money Laundering Act.**

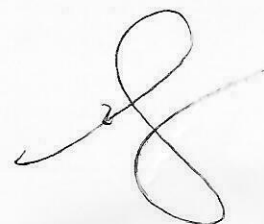
Accused 2 was represented by Mr Dunhawoor during the sentence hearing. Accused 1 did not choose to be represented and he was explained of his rights to adduce any evidence. Both Accused elected to depose.

Accused 1 explained that he was a victim of drug, but he has now reformed. He works and has two children of tender age. He begs for excuse. Accused 2 reminded the Court that he never had any issue with the law and he is the sole breadwinner. He has been in employment for 35 years and now prays for excuse and a non-custodial sentence.

Mr Koonjul, for the prosecution, left the matter in the hands of the Court.

Mr Dunhawoor submitted that in view of the personal circumstances of his client, his clean record and remorse, a non-custodial sentence is warranted.

**Section 8(1)** of the Act provides for a fine not exceeding 2 million rupees and to penal servitude for a term not exceeding 10 years. **Subsection 3** excludes the application of Sections 150, 151 and Part X of the Criminal Procedure Act and the Probation of Offenders Act.



In **M N Toolsy v The State 2012 SCJ 410**, the Supreme Court referred to **Queen [1981] 3 Cr App R at page 246** where the Court of Appeal stated that:

*"The proper way to look at the matter is to decide a sentence which is appropriate for the [instant] offence ... Then in deciding whether that sentence should be imposed or whether the court can extend properly some leniency to the prisoner, the court must have regard to those matters which tell in his favour; and equally to those matters which tell against him, in particular his record of previous convictions."*

I bear in mind that Accused 1 has offered a timely guilty plea which in view of **Section 69B** of The District and Intermediate Courts (Criminal Jurisdiction) Act is, a mitigating factor. I take into account his expression of remorse and his personal circumstances.

I however consider that he is not at his first offence. His record of convictions shows that he has 3 convictions for drug offences from 2005 to 2018, met with both fine and custodial sentence. His last conviction dates back to 2018. Despite his previous convictions are not cognate with the present offence and date far back in time, he cannot be treated as a first offender.

With regard to Accused 2, the matters which tell in his favour are his clean record and his personal circumstances. He is married, has a stable job and is the sole breadwinner.

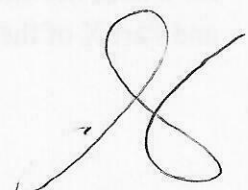
But on the other hand, I have given due consideration to the seriousness which the offences deserve. Both Accused contributed to the purchase of a motorcycle for 250,000 rupees. Accused 1 clearly had a history of involvement in drug related activities since 2004, resulting in the 150,000 rupees he contributed being proceeds of these activities. Nevertheless, Accused 2 agreed to be part of the transaction and had the motorcycle registered in his name.

I find relevant to quote the following from **Abongo v The State 2009 SCJ 81**, with regard to the rationale of sentencing measures:

*"The Financial Intelligence and Anti-Money Laundering Act was enacted essentially for the purpose of combating money laundering offences which had the potential of adversely affecting the social and economic set up, both at national and international level to such an extent that they may constitute serious threats not only to the financial system but also to national security, the rule of law and the democratic roots of society. By enacting sections 5, 6 and 8 of the Act, the policy of the legislator was clearly designed to achieve the compelling objective of safeguarding the national and international financial systems against any disruptive intrusion which may be caused by the perpetrators of certain criminal activities."*

This kind of transaction was certainly amongst those targeted when the FIAMLA was enacted. I however consider that the scale is on a very low level and is nothing as compared to large level of criminal activities. Given the mitigating factors in respect of each Accused, as highlighted above, I consider that a fine is justified for both Accused.

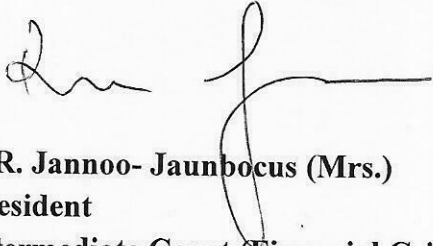
**Count 1: I sentence Accused 1 to pay a fine of 50,000 rupees.**



**Count 2: I sentence Accused 2 to pay a fine of 60,000 rupees.**

Each accused is ordered to pay 500 rupees as costs.

**Their Prohibition Orders shall lapse after satisfaction of sentence and delay of appeal.**

A handwritten signature in black ink, consisting of a stylized 'J' followed by a horizontal line and a small flourish.

**B.R. Jannoo- Jaunbocus (Mrs.)**

**President**

**Intermediate Court (Financial Crimes Division)**

**This 4<sup>th</sup> September 2025.**