

Police v Maminiaina RAVATOMANGA

2025 PL3 9

IN THE DISTRICT COURT OF PORT LOUIS

(DIVISION III)

In the matter of:-

Provisional CN: 10783/25

Police

v/s

Maminiaina RAVATOMANGA

RULING

- 1) On the 6th November 2025, a provisional information was lodged against Mr M Ravatomanga, a Malagasy national, for offences of **Money Laundering** in breach of *sections 36(1)(b) and 38 of the Financial Crimes Commission Act 2023* under Counts I and II and **Conspiracy** in breach of *section 48 of the same Act* under Count III of the Information. Under Counts I and II, sum allegedly laundered is an astronomical figure: Rs 6 456 055 996.29 and 858 489 298.21 respectively. How this money has come to spread its tentacles in our jurisdiction is anyone's guess, but the enquiry is ongoing. Under Count III, it is alleged that he criminally agreed with one David Jean Christian, Nasser Osman Beekhy and Junaid Haroon Fakim, latter being then Commissioner of the Financial Crimes Commission (hereinafter 'FCC') to commit an offence of '**Traffic D'Influence**' in relation to an ongoing investigation by the FCC. Mr Ravatomanga is represented by a panel of lawyers – Me S Hawoldar, Me J Beeharry and Me K Lobine, *inter alia*. The FCC is represented by Me T Naga and Arzamkhan assisting Inspector Emamdy with the authorization of the DPP.

- 2) On the very same day the provisional information was lodged, the police objected to the release of the suspect on 3 grounds: 1) Risk of Tampering with evidence, 2) Risk of interfering with witnesses and 3) Risk of Absconding. The police moved that the suspect be remanded to police cell till 13th November 2025. The Defence, on their part, moved that the provisional information be struck out on grounds of unlawful arrest, abuse of process, lack of reasonable suspicion, the Ag Director of the FCC acting *ultra vires* in prosecuting the matter, the suspect being a Diplomat thereby enjoying immunity amongst others. The said motion was resisted by the FCC and arguments fixed for the 27th November 2025. The Defence also objected to the filing of the Prohibition Order ("PO") against the suspect, which objection was withdrawn and thus a PO was duly filed, preventing the suspect from leaving our shores.
- 3) The Defence, via letter dated 7th November 2025, moved that a bail hearing be heard in light of the suspect's ill-health. Same was fixed for the 13th November 2025. On said date, suspect was absent and Court was apprized that he was admitted to the hospital on same day and had undergone an angiography following which 2 stents were placed. According to the operating doctor, Dr Soreefan, suspect was stable, but needed rest. Thus, bail hearing was postponed to a week.
- 4) On 20th November 2025, the suspect's next court appearance date for the said bail hearing, again suspect was absent in court. Dr Soreefan explained that suspect was discharged from hospital on the 14th November 2025 and was given 2 weeks' rest. He was to come for a follow-up appointment on the 27th / 28th November 2025. He was asked by Defence Counsel why suspect was discharged when he needed monitoring – to which the doctor replied the suspect was symptomless. On said date, Inspector Deewoo, from the FCC, also deponed that it was the Commissioner of Police, through representations made by his Counsel, who, after advice from Chief Police Medical Officer, Dr Gungadin, acceded to Counsel's request, that the suspect be placed at Premium Care clinic because of risk of infection in police cell. Dr Yearoo, cardiologist, was then called and he commended the hospital for having done an angioplasty on the suspect. He also stated that suspect might be discharged from the clinic the following week. The bail hearing was again postponed for another week.

- 5) On 27th November 2025, suspect was once more absent from Court. Dr Yearoo and Dr V Boolell, also cardiologist, were present together with WCI Raymond. Latter stated that she visited the suspect the day before who informed her he was not feeling well. She also met Dr Zeenat, the ward manager of the clinic, who remitted to her 2 medical certificates ("MCs") which she produced to court (**Doc MC & MC1**). She also contacted Dr Soreefan who told her that suspect had an appointment with him on the 28th November 2025.
- 6) During the sitting of the 27th November 2025 itself, Counsel for the FCC moved:
- (i) Suspect be remanded Jail because 21 days had lapsed since the provisional charge was lodged and that suspect was at the Premium Care clinic for his own comfort and rest, not for any medical reason, and
 - (ii) Bail motion be set aside.
- 7) The first motion was strongly objected to by the Defence. Me K Lobine argued that police cell is not conducive to the suspect. He went on to read p.34 of the proceedings.
- 8) Counsel for the FCC insisted on his motion and filed a memo to this effect signed by Inspector Deewoo for ASP FCC (**Doc Memo**)
- 9) To expatiate on the objection of the Defence, Dr Yearoo was called and he deponed that:-
- (i) suspect is being kept at Premium Care clinic for continuation of treatment,
 - (ii) suspect had lost 10 kgs
 - (iii) suspect still has chest pain and is therefore unstable
 - (iv) there is a risk of complications, that is why he is keeping him there under observation and supervision.
 - (v) He did not know the level of medical facilities in a prison

- (vi) He accepted that Dr Soreefan at the hospital saved the life of the suspect almost a month after he was admitted to the clinic. He added that he himself did not get the consent of the suspect for the operation so he could not do any surgery on him. Consent was given by suspect's wife to Dr Soreefan.
- (vii) He also accepted that suspect should be kept in a clean space, have access to his medication and medical facilities, a place where he can be visited by doctors.
- (viii) He is not aware of nosocomial infections. Then he replied that he does, but does not treat these infections. He however accepted that these are acquired both at public and private spaces such as Premium Care clinic.

10) On behalf of the FCC, ASP Jean Alex Casimir, posted to the Eastern High Security Prison, was called. He deposed that at the prison: -

- (i) there is security, safe custody, discipline, cleanliness, hygiene and sanitary conditions. There has never been any instance of infections.
- (ii) External actors like the National Human Rights Commission, Board of visitors which include Senior Magistrates and other stakeholders ensure that international standards are kept.
- (iii) There are hospital wards with all equipment and apparatus, except X-ray.
- (iv) Nurses are there 24 over 7 and doctors everyday save from Saturdays or nights where they are on call.
- (v) In the past, they have had 4 prisoners who had undergone surgeries and then brought back immediately thereafter to the prison.
- (vi) Access is given to private doctors of detainees.
- (vii) Constant monitoring is done via 105 cameras installed everywhere, even in cells.
- (viii) In cases of emergencies, nurses examine the patient first and then carry out instructions of the doctors.

- (ix) Ambulances are located in the prison compound which can convey anyone to the hospital swiftly i.e. either to SAJ hospital or to JHN hospital and that too under escort.
- (x) Security thereat is the best in the Indian Ocean.
- (xi) There are inmates of all nationalities including Madagascar.

ANALYSIS

- 11) I have had the opportunity to listening closely to all the evidence under oath and watching with intent the demeanour of witnesses before me. *De surcroît*, I have anxiously scrutinized the documents produced before me in court. I have also heard arguments from both sides with lots of interest, and each side putting his points across with passion and I give both sides thus the applause they deserve for such. It was animated, heated at times, but nonetheless de bonne augure for the legal profession.
- 12) My primary observation is that the motion by the FCC was for the suspect to be remanded to jail, not to police cell. Thus, the argument of Defence Counsel that police cell is not 'conducive' to the suspect is misconceived.
- 13) My second observation is that as per **Doc Memo**, there is no objection that suspect be remanded to Jail. It is signed by Inspector Deewoo for ASP FCC. We all know that police officers attached to the FCC emanate from the CCID and thus they are all under the command of the Commissioner of Police as per **s71 of the Constitution**. It is the police which detains powers of arrest, it is also the police which detains powers to remand, not the FCC. *Ca coule de source* therefore that it cannot be said that the CP did not approve the remand of the suspect to Jail.
- 14) My third and last observation is this: after the suspect's discharge from hospital by Dr Soreefan on the 13th November 2025, Dr Gungadin advised the CP to allow the suspect to be kept at the Premium Care Clinic because of risk of infection in police cell. It begs the question: Why couldn't the suspect be kept at the hospital itself –

secluded from others? What was wrong in that? Why the clinic itself? This does not sit right. And today, matters are worse. Dr Yearoo has himself accepted under oath that infections are equally present at the clinic. So, I ask - was that a wise decision to send him there? If something would have happened to him, wouldn't Dr Gungadin have been blamed or in a remote sense, the CP himself? Anyway, be that as it may; it is now water under the bridge. But nonetheless it is deeply mystifying, to say the least.

To remand, or not to remand, that is the question

- 15) Counsel for the FCC moved that the suspect be remanded to jail as 21 days had already lapsed. Now the Bail Act was amended this very year in March and section 4(4) of the amended Act now reads:-

"A defendant or detainee whose release on bail is refused under this section shall be remanded in custody for a period not exceeding 21 days, after which the defendant or detainee shall be brought again before the Court.

Lawfully therefore, a detainee cannot be kept in custody over 21 days and not brought to court; he has to appear before Court where a renewed motion for him to be kept in police cell or a motion to remand him to jail will be made. This is to ensure judicial supervision and control. So the motion to remand the suspect to jail once the 21 days have lapsed falls within those parametres and it is now for the Court to determine whether to accede to such motion. Of course, remanding the suspect to police cell further is no longer an option as Defence Counsel himself objected to such course as it being not 'conducive' to the suspect. So this recourse is out of the window.

- 16) Dr Yearoo, under oath in court, deponed that the suspect was being kept at Premium Care clinic for 'continuation of treatment', 'observation' and 'supervision'. **Doc MC** and **MC1** are both signed by him. **Doc MC** speaks of suspect not being able to attend court and **Doc MC1** reads: "Advised for extension of rest for two (2) weeks". Both MCs are dated 26th November 2025 and do not suggest rest for 27th November 2025. Bizarrely. Crucially, both MCs are absolutely silent on 'continuation of treatment, observation and supervision'. Not even one iota is

mentioned. Which one is it therefore – is it ‘*continuation of treatment, observation and supervision*’ that suspect has been kept at the clinic, or is it ‘*rest*’, or is it both or is it simply NONE? Dr Yearoo’s deposition is completely at odds with his own prescribed documents, under his own signature.

17) What is the point of discord is perhaps when Dr Yearoo started wavering and vacillating in his answers in Court. When he was asked if he knows anything like nosocomial infections, he was economical with the truth. In the first instance, he denied even knowing what the said infections are as a medical practitioner. When he was pressed for an answer, and yes he had to be reminded that he was under oath in court and strongly rebuked by the Court, then he started answering positively, but quickly retracted by saying he does not treat these infections. This type of answers by an experienced doctor like Dr Yearoo baffles the Court. Thus, I take a very dim view of the evidence he gave on this score. Based on the Hippocratic Oath, physicians are meant to uphold professional integrity; they pledge to maintain the honour and traditions of the medical profession. Dr Yearoo, *albeit* having taken such an oath, with a long-standing medical career, should have known better and not given evasive answers. He has an overruling duty to give an impartial and honest opinion in court as a medical expert, which he clearly failed to do on this aspect.

18) Let us dive into other aspects of his deposition. Dr Yearoo accepts that the suspect should be kept in a clean environment where medication and medical facilities can be given to him and that both public and private medical institutions are susceptible to infections. Yet he keeps on harping that if ever there is a place where suspect should be kept, it is at the clinic. This is the same doctor who did nothing to operate on the suspect and save him, and yet now he is advising that the suspect be kept under his care at Premium Care clinic. Can he be serious? Bemusing indeed.

19) On the other hand, ASP Casimir has deponed about the state of security, hygiene and medical facilities at the Eastern High Security Prison. I have listened to him attentively; he was clear, crisp and confident in his version; he gave explicit details about doctors, nurses who will be able to stabilize an ailing detainee pending instructions being given, ambulances etc. The system is no different than our hospitals. Cleanliness is at its peak with no instances of infections at all. It is a place

where even Dr Yearoo can visit him, if he is called upon. Crucially, 4 detainees, he stated, have had operations in the past and come back immediately thereafter to the prison. We are not told if there have been any incidents regarding them. It stands to reason therefore – if 4 detainees have come back safe and sound to the prison, why cannot the suspect be the 5th? We are also that there are Malagasy inmates at the prison – who knows he might know a few, get to practise his mother tongue, thereby lowering his stress levels. It might actually be good for his heart. On a serious note, when one thinks about it, if someone falls sick at home, it does take time to get an ambulance but here we are informed there is an ambulance waiting in the wings to take a sick detainee to the hospital if there is a need for it. And if that is not fast enough, the ambulances are accompanied by escorts which clear the way to the hospital. What can be more compelling.

- 20) Defence Counsel has submitted at length on the issue of the suspect's right to life; he stated we should ensure that we do not have a 'mishap' on our hands by sending him to jail. My take on this is the interpretation I give to s4 of the Constitution – "protection of the right to life". At the Judicial Committee of the Privy Council, Lord Keith, in **Attorney General of Trinidad and Tobago v. Whiteman, 1991 2 AC 240**, a landmark case, stated:

"the language of a Constitution falls to be construed not in the narrow and legalistic way, but broadly and purposively so as to give effect to its spirit and this is particularly true of those provisions which are concerned with the protection of human rights."

Section 4 of the Constitution, the protection of the right to life places positive obligations on the state i.e. our public institutions have a duty to take measures to protect vulnerable persons such as the suspect in custody and ensure his access to basic necessities such as healthcare. Section 4, construed broadly therefore, means that the suspect's human rights should be upheld to prevent the 'mishap' Defence Counsel was referring to. After listening to ASP Casimir, there is no doubt in my mind that such will be the case. Even if, at best, this is the shadow of a doubt about it, the provisions of the Reform Institutions Act 1989 should come to the rescue of the authorities.

- 21) The **Reform Institutions Act 1989, s31** reads as follows:

“Medical Officers

- (i) *Such medical officers as may be designated by the Permanent Secretary of the Ministry responsible for the subject of health shall be responsible for the health of detainees.”*

- 22) In the circumstances, to circumvent the issue of not having a doctor physically present on Saturdays, the Commissioner of Prisons can make the required appeal before the PS of the Ministry to ensure the smooth running of its institution. If an emergency were to arise, it is inconceivable that the Commissioner of Prisons would simply sit there arms folded and not do everything in his might to rise up to the occasion.
- 23) It is worth noting that had this Court not remanded the suspect to police cell on the 6th November 2025 despite the pleadings of Defence Counsel to allow him to stay at Premium care clinic, potentially we would have had a calamity on our hands. This remand to police cell entailed that he be given urgent medical attention at the hospital and he be operated upon by Dr Soreefan on time and I stress emphatically – on time, else we would not have been here today. **We did our job, our public hospital did its job, without fail.** I daresay if something had indeed happened to him, *ipso facto* our institutions would have been blamed, our judiciary would have been blamed, this government would have been blamed. We did not allow this to happen nor will we allow this to happen today.
- 24) I sit here, do my job without fear or favour as per the oath I have taken. Thus, I will do what is best in the circumstances, upon the evidence heard and in the interest of justice. We are all equal before the law regardless of our status in society – rich or poor – that is Lady Justice wears a blindfold- she treats all people the same without bias. And no one is above the law and this principle goes all the way back to the **Magna Carta. In this country, let there be no doubt: we have a rule of law as Professor A.V. Dicey would want it, not a rule of lawyers.** Time and again, our Supreme Court has reminded us of this.

25) Accordingly, just like other detainees, any place which is clean, free from infections, safe, where the suspect can be given access to his medication and medical facilities and where he can rest whilst being under judicial control is a good place. This is in harmony with his rights under the Constitution, the Supreme law of the land. I see no reason why this place cannot be other than a clinic. He was discharged from hospital by Dr Soreefan because he found him to be safe and stable. One can go to the moon and back, but the fact remains Dr Soreefan is the doctor who operated on the suspect; thus the best doctor in my view to make an assessment of his state of health. Our hospitals have delivered in the past, so will our prisons too. It is therefore this Court's ruling that the suspect be remanded to Jail forthwith.

26) I hasten to add that our carceral institutions have, save from a few isolated cases, kept not only our detainees safe but all of us safe and upheld importantly the values of this country in the most democratic way. Thus, I commend them for the work they do.

The bail motion

27) As to the bail motion, the suspect has appeared physically only ONCE before this Court. We have waited, waited and waited for him to appear before this Court to hear his bail application, but every time, there has been a medical issue. And according to the Defence Counsel, this medical issue has not been resolved yet. Thus, I deem that the suspect has not been 'brought' before us within a reasonable time for such a hearing. In these circumstances, it would be an abuse of this Court's process to keep postponing it. Thus, the bail motion is set aside.

28) I order so accordingly.

H. H. P. BISSOON,

Senior District Magistrate,

This 1st December 2025.