

IN THE DISTRICT COURT OF PORT-LOUIS

P/CN: 10967/2025

Under the Provisional Information of:

POLICE

v

SANJIV KAILASH RAMDANEE

RULING (VARIATION ORDER)

1. The Applicant is provisionally charged for the offence of Conspiracy in breach of Section 48 of the Financial Crimes Commission Act 2023, coupled with Section 44 (1)(b) of the Interpretation and General Clauses Act.
2. The Applicant is presently on bail and is also subject to a prohibition order made under Section 14 of the Bail (Amendment) Act 2002.
3. A prohibition order was imposed on the Applicant on 03.12.2025.
 - 3.1. He applied for a variation of that prohibition order, praying the Court to allow him to travel from Mauritius via Dubai to Spain (Barcelona) on 03.02.2026 until 09.02.2026. The main reason for his trip was to attend an exhibition held by the ISE and schedule meetings with exhibitors.
 - 3.2. The Respondent objected to the said application on the sole ground that there was a risk of absconding due to the seriousness of the offence. The Applicant was represented by Counsel and the case for the Respondent was conducted by the FCC.
4. It was undisputed and remained unrebutted that:
 - (a) the Applicant is a Mauritian national,
 - (b) he is the holder of a Mauritian passport,



- (c) his wife is in Mauritius, and his child is in Paris studying,
- (d) his siblings and in-laws reside in Mauritius,
- (e) he has a clean record,
- (f) he is on bail for the present offence,
- (g) he is self-employed and is a mechanical and technical engineer in Mauritius,
- (h) he has a fixed place of abode and
- (i) has professional ties in Mauritius.

A. FACTS OF THE CASE

5. The Enquiring Officer, Acting Chief Investigator Deepchand, (hereinafter referred to as 'EO') explained that an enquiry was initiated against the Applicant on 10.02.2025 based on anonymous allegations received by the FCC. The offence pertained to a breach of **Section 48 of the FCC Act**, coupled with **S44(1)(b) of the IGCA Act**.

In fact, the EO explained that on or about the 16.07.2024, the Applicant in his capacity of CEO of Dhyanavartam Ltd is alleged to have conspired with Mr. Mungur the then CEO of the SBM Bank and also the chairperson of the bank's management credit forum for the latter to abuse his position to cause the disbursement of a loan of Rs 470 million to Dhyanavartam Ltd. Thus, this caused a gain to the company. The loan was disbursed.

B. THE NATURE OF EVIDENCE

6. According to the EO, the nature of evidence against the Applicant is strong. The enquiry has been completed, and the file has been sent to the Office of the Director of Public Prosecutions on 15.01.2026 with the suggestion that the Applicant be prosecuted.

C. THE CASE FOR THE RESPONDENT



7. The EO stated, in chief, that if the Applicant is allowed to travel, there is a risk of his absconding. He justified same by stating that:

- (a) the provisional charge against the Applicant is a serious one,
- (b) the offence is a crime and carries a heavy penalty, and due to the severity of the offence, the Applicant might abscond if the prohibition order is varied. He explained that the fine for the offence was up to Rs 20 million and a penal servitude for a term not exceeding 10 years.
- (c) The Applicant's justification, according to him, failed to meet the threshold of '*absolute necessity*'. He further explained that there was no absolute necessity for the Applicant to be present at the exhibition.
- (d) The Applicant's main business lies in the tourism and hospitality sector, and Dhyanaavartam Ltd is the owner of Maradiva Villa Resorts and Spa, which was currently operational but its assets are heavily burdened with fixed and floating charges despite the favour made by the SBM and the Mauritius Investment Corporation Ltd (hereinafter referred to as MIC)

Based on the evidence gathered, the hotel had been encountering difficulties in generating revenue due to real estate developments which was being carried out in the adjacent piece of land.

The hotel entered voluntary administration in June 2025.

- (e) the Applicant who is a person of means based on the assets he owns, relied on a letter – Doc Letter 23.01.2026, which was signed by the General Manager, Mrs. Dozekee of SKR Communications Ltd. The EO explained that his search revealed that SKR Communications Ltd was non-existent at the Registrar of Companies. However, he came across a company which was titled S.K.R Communications Ltd.

In addition, S.K.R Communications Ltd did not file any financial statements for the year ending 30.06.2024, therefore fueling doubts as to the existence and operability of the said company.



- (f) other investigations were being carried out against the Applicant. The latter was called at least for one of the investigations whereby a statement was recorded from him, and his house was searched in relation to that enquiry. The other investigation was in relation to assets owned abroad by the Applicant himself and or directly or indirectly by his nominees. The Applicant had not yet been questioned for that enquiry as intelligence was still being gathered. However, it revealed that the Applicant was the owner of assets in Europe.
- (g) Despite having cut his trip short in the past and following a request of the FCC prior to his being arrested, the EO was of the view that this did not mean that he would not now abscond if the prohibition order was varied. He explained that at the time no charges were levelled against him, and now, in view of the provisional charge which was lodged against him and the seriousness of the offence, there was a material change in circumstances.
- (h) He further explained that there was no entrance ticket which was produced by the Applicant for his attendance at the exhibition held by the ISE therefore raising doubts as to whether he would actually be attending the exhibition.

Based on the documents filed by the Applicant to support his application, he did not find an absolute necessity for him to be in attendance, nor did he find that the exhibition required physical attendance. He was of the view that business meetings and connections could well be done online, especially in view of the technological era.

8. During cross-examination, it came out that:

- (a) the Applicant denied the allegations levelled against him,
- (b) his relationship with Mr. Mungur, the then CEO of SBM was as client,
- (c) the EO was not aware of any agreement post the provisional charge between SBM, the MIC, Dhynavartam Ltd, and Real Estate Investors, as none of the parties involved made mention of the contract.
- (d) Dhynavartam has several shareholders and directors,
- (e) The Applicant is the sole director and shareholder of S.K.R Communications Ltd,



- (f) Before the lodging of the provisional information, the Applicant did travel on several occasions as the FCC did not then have any objection for the said travel – Doc Letter and Doc Letter 1
- (g) Whilst being abroad, the Applicant knew there was an investigation being carried out by the FCC, and therefore he cut his trip short and came back for the purposes of the enquiry. However, the EO explained that the circumstances were then different,
- (h) Applicant has so far respected all the conditions imposed, and the risk of absconding is an apprehension on behalf of the FCC,
- (i) He did not find the absolute necessity for the Applicant to attend the fair because, according to him, the meetings and demonstrations could be done online. Therefore, no physical attendance was required.
9. After the testimony of the aforesaid witness, the prosecution closed its case.

D. THE CASE FOR THE APPLICANT

10. The Applicant gave evidence on oath and stated that:

- (a) he is a Mauritian national with family ties in Mauritius. He is an electrical and mechanical engineer and also holds a masters in business administration.
- (b) he has only one passport,
- (c) he produced his air ticket¹ and his hotel reservation – Doc Hotel Reservation and Doc Hotel Reservation 1.
- (d) he explained that, as the Managing Director of SKR Communications Ltd, the purpose of the trip was to meet existing distributors and eventually new business partners. He would also get the opportunity to watch demonstrations of various equipment that would be of his interest.
- (e) 2 letters were also filed on behalf of his partners. One was from Paxt, and the other one was from one Mr. Ezzayani – Doc Letter 09.01.2026 and Doc Letter Lutron LTC. He also produced an entrance ticket to the said exhibition – Doc ISE Ticket

¹ Doc Air Ticket

- (f) Mrs. Dozekee, together with the head engineer, Mr. Ragoo were also attending the exhibition. He further explained that his presence was needed following a dip in the figures of the company and the fact that he would be more apt to deal with the partners so as to discuss fresh opportunities and define strategies. He also stated that the live demonstration of the products would be of help to him.
- (g) If he was unable to travel, the prejudice would be caused to SKR Communications Ltd.
- (h) According to him, he had to be present and could not conduct the meetings online as it was an exhibition which was being attended by 35,000 professionals. He attended same for the past 15 years.
- (i) he denied that he would abscond in view of the fact that Maradiva Villa and Resorts Spa was under voluntary administration,
- (j) He confirmed having travelled before and respected his dates of reporting back pre the lodging of the provisional charge.

11. In cross-examination, the following evidence was borne out:

- (a) the Applicant agreed that trade was made under the name of SKR Communications Ltd and could not state for sure whether S.K.R Communications was the name of his company or was it SKR Communications Ltd.
- (b) The financial accounts of SKR Communications Ltd for the period of June 2024 was not filed but he was in the process of doing same,
- (c) His main business activity was hotel and not the current business.
- (d) He agreed that Paxt Ltd was not on the list of exhibitors and QSC LLC as mentioned in the letter filed by him was also not on the list of exhibitors.
- (e) There was no date on the entrance ticket as to when it was purchased. In fact, he explained that the ticket was only to show that he was eligible to attend the fair. He denied that the ticket was produced only after the EO deposed and explained that the Applicant did not produce any ticket to support his attendance at the exhibition.



- (f) Even though his general manager and the head engineer were attending, he stated that there was still a need for him to be in attendance, as he needed to decide who to work with. He further explained that it was customary to attend the fair to discuss the future of business relationships, and at the fair, all important people were going to be present in one forum.
- (g) He was attending the fair on 04.02.2026 despite same starting on 03.02.2026. According to him, the scheduled meetings could be rescheduled,
- (h) The 2 days he would be in Dubai were for him to rest in view of his age and health,
- (i) He agreed not to produce any documents to show that SKR Communications Ltd's turnover was low,
- (j) He was aware of ongoing investigations, and he had a family apartment in London.

12. Defence Witness, Mrs. Dozekee was called and produced the letter of SKR Communications Ltd as well as an agenda of all the meetings scheduled during the fair. She further explained that the Applicant was the one who would be apt to decide who to do business with and who to deal with as new business partners.

E. THE SUBMISSIONS

13. The Defence submitted that the Applicant's family ties, professional ties, and that the police only has mere apprehensions were sufficient reasons for this Court to vary the prohibition order against the Applicant.

14. The Prosecution on the other hand submitted that there was no *absolute necessity* for the Applicant to travel and the latter failed to prove any compelling reasons for the Prohibition Order to be varied. Although documents were submitted, they were not sufficient to show that his physical attendance was needed. Moreso, they did not show an *absolute necessity* for him to leave Mauritius for abroad as the business contacts and meetings could be delivered virtually especially that the General Manager and the Head of Engineer were



also attending. He submitted that the risk of absconding was significant given the seriousness of the offence.

F. THE LAW

15. The fundamental right of freedom of movement of a person is guaranteed by Section 15 (1) of our Constitution and this right can be restricted by a prohibition order. However, a person against whom a prohibition order has been granted may apply to the Court to vary such order and the Court may vary the order if it is satisfied that it is necessary to do so:

- to avoid loss or prejudice to the applicant;
- to avoid damage or loss to the applicant's property;
- because of the health of the applicant or his next of kin;
- or in such other cases as the Court thinks fit – Section 16(2) of the Bail Act.

16. It is also apposite to note that preventing a person from leaving the country infringes his freedom of movement and so long as it can be shown that the restriction is permissible under section 15 of the Constitution there is no impediment in limiting that freedom – L. Mingard v The Commissioner of Police [1988 MR 57] and Dookhy v Passport Immigration Officer [1987 MR 75].

17. In the present matter, the Court notes that Learned Counsel for the Applicant relied upon Section 16 of the Bail Act in support of the application at hand.

16.1. In fact, the applicant must first satisfy the court of the necessity to leave the country for the reasons set out in Section 16(2) of the Bail Act, notwithstanding whether the prosecuting authority is objecting to the application at hand.

18. It is only after meeting this threshold that the court will be able to consider the risks as enunciated by the prosecuting authority for objecting to the application at hand.

19. Therefore, in determining whether an objection to vary a prohibition order is justifiable, the Court must carry out a balancing exercise between the responsibility befalling the authorities on the one hand and on the other the convenience of the applicant to travel abroad – S. Peerthum v The District Magistrate of Riviere du Rempart [2009 SCJ 283].

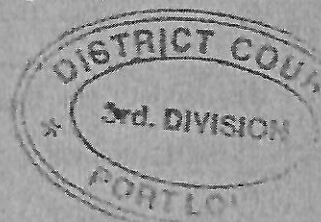
20. The applicant therefore bears the burden of proving any loss or prejudice to him, any damage or loss to his property he is likely to suffer, or because of the health of the Applicant or his next of kin given that the same is peculiar to his knowledge. In addition, the Court may vary the order *in such other cases as the Court thinks fit*.

G. ANALYSIS

21. I have duly assessed the evidence on record, as well as the submissions put forward by Learned Counsel including the relevant principles from the authorities that have been placed before me. I shall first proceed to assess the reasons that have been put forward by the Applicant to determine whether the Applicant has demonstrated "*absolute necessity*" which will justify the variation of the prohibition order imposed upon him.

- Purpose of Travel

22. A closer look at the reasons justifying the necessity of the Applicant to travel reveals that he wants to do so because, as a mechanical and technical engineer, he would wish to watch new demonstrations of products, build up his network, and make new business relationships, especially in view of the fact that his company was not financially doing well.



A handwritten signature in dark ink, consisting of a stylized, cursive letter 'D' followed by a loop.

23. Several documents were produced to show that he had been invited to the ISE Fair during the period he wished to travel. In addition, an agenda was produced of his scheduled meetings.

24. The next issue to be considered is whether the apprehension of the Respondent concerning the grounds of objection is legitimate and not whimsical.

- Risk of Absconding

25. As previously established by the Supreme Court, the Court is also to consider what would be likely to motivate the Applicant to abscond and what would be likely to deter him from absconding. The court is also to assess whether the risk is too great to be taken or if the level of the risk is acceptable, such that it can be taken, having regard to the presumption of innocence. And lastly, whether the risk can at least be reduced to an acceptable level by the imposition of conditions – Deelchand v Dpp [2005 SCJ 215]

26. It is apposite to note that in the present matter, the fear of the risk of absconding on behalf of the Applicant, concerns him finding means to avoid any appearance for his subsequent trial – Wemhoff v Germany 1968 ECHR 2 or him evading a heavy custodial sentence – Bacha Sir Bhinod v The Director of Public Prosecutions 1996 SCJ 69.

27. Based on the aforesaid factors, including the ongoing investigation, the seriousness of the provisional charge, and the fact that a heavy penalty might be imposed, I find it understandable that the Respondent considers the danger of absconding as being one of a strong likelihood.

28. On the other hand, I have also borne in mind that the risk of absconding cannot be evaluated solely on such considerations and other factors must be taken into account, namely, the character of the applicant, his occupation, his home, his assets, family ties and all kinds of links with Mauritius, whereby he has been provisionally charged.

29. As such I have taken into account the personal circumstances of the Applicant and his family and professional ties as he explained during the hearing. I have taken note that the Applicant stated that he was the only one apt to decide who to do business with and which products to import.

30. While I acknowledge the Applicant's professional achievements and his desire to protect his company's turnover and increasing same, I am convinced that the interests of the Applicant should not prevail over those of the Respondent in as much as the Applicant failed to satisfy this Court as to the absolute necessity for him to travel. My reasons are as follows:

- (a) the reasons advanced in support of the proposed travel are essentially grounded in business convenience and professional preference rather than in any compelling or unavoidable need.

Attendance at the ISE exhibition was said to be necessary for networking, exploring new products, and engaging with existing and prospective partners; however, the evidence demonstrated that such objectives did not require the Applicant's physical presence abroad.

It was undisputed that the General Manager and the Head Engineer of the company were themselves attending the exhibition and were fully capable of representing the business, attending meetings, and viewing product demonstrations.

Furthermore, the Respondent's uncontroverted evidence established that, in the modern technological context, business discussions, negotiations, and demonstrations can effectively be conducted virtually, thereby significantly diminishing any claim that the Applicant's presence was indispensable.

- (b) In addition, the documentary evidence relied upon by the Applicant was fraught with inconsistencies and did not convincingly support the alleged necessity of travel. There were uncertainties surrounding the exact



corporate identity and operability of SKR Communications Ltd, the absence of up-to-date financial statements to substantiate the alleged downturn in business, and discrepancies relating to the supporting letters from purported partners, some of whom were not listed as exhibitors at the fair.

(c) The entrance ticket produced was also of limited probative value, as it bore no purchase date and merely established eligibility to attend, rather than a concrete obligation or requirement to do so. Moreover, the Applicant conceded that his attendance would commence after the exhibition had already begun and that meetings could be rescheduled, further weakening the assertion of urgency or indispensability.

(d) Additionally, the Applicant's own travel itinerary, when measured against the agenda filed in support of his application, further weakens the assertion of necessity. It was established that the Applicant was due to arrive in Barcelona on 04.02.2026 at 12:50, whereas, according to the agenda produced by his General Manager, a meeting with Fonestar was scheduled for the same day at 12:00. This clear temporal inconsistency casts serious doubt on the reliability of the proposed schedule and on the genuineness of the Applicant's claim that his physical presence was required for the effective conduct of the meetings. The fact that the Applicant could not, on his own evidence, be present at a meeting cited as a justification for travel strongly suggests that the agenda was, at best, aspirational and, at worst, tailored to support the application rather than to reflect a concrete and unavoidable business commitment. Such discrepancies are incompatible with a finding of absolute necessity and further reinforce the conclusion that the Applicant failed to meet the statutory threshold required for the variation of the prohibition order.

(e) Moreso, the fact that Maradiva Villas Resort and Spa, the Applicant's principal business and a major asset held through Dhyanaavartam Ltd, was placed under voluntary administration since June 2025 materially

reinforces the risk of absconding rather than mitigating it. Voluntary administration signifies that the hotel was experiencing serious financial distress and that control over its day-to-day management was transferred to an administrator, thereby substantially reducing the Applicant's need to remain personally present in Mauritius to oversee its operations.

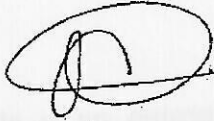
In these circumstances, the hotel no longer operates as a strong anchoring factor capable of ensuring the Applicant's continued presence within the jurisdiction. On the contrary, the financial difficulties surrounding Maradiva, when viewed together with the seriousness of the provisional charge and the prospect of severe penal consequences, may objectively increase the incentive for the Applicant to remove himself from the reach of the Court. The fact that his principal business is already under administration thus weakens any argument that his commercial interests compel him to remain in Mauritius and instead adds weight to the Respondent's contention that, if allowed to travel, the Applicant may be tempted to abscond.

- (f) Taken cumulatively, the evidence shows that the proposed travel was motivated by opportunity and convenience rather than by necessity, and that no tangible loss, prejudice, or irreparable harm to the Applicant or his property was demonstrated should he remain in Mauritius. In the absence of clear, cogent, and compelling proof that his physical presence abroad was unavoidable, the Applicant did not meet the statutory threshold of absolute necessity.

31. Accordingly, at this stage, I find that the present application is not a fit and proper one for the court to exercise its discretion to vary the prohibition order against the Applicant so that the Applicant may be allowed travel. The Applicant has not satisfied this court with the real need for his going abroad under **Section 16(2) of the Bail Act** and the likely loss or prejudice or irreparable damage he is likely to suffer if the restriction on his freedom of movement is maintained. In fact, his reasons amount to professional convenience or preference not

necessity. The law requires more than mere desirability. It requires proof that refusal would cause loss or prejudice that cannot otherwise be avoided. This threshold was not met.

32. I, therefore, decline to vary the prohibition order and set aside the application.



Shaaheen Dawreeawoo (Mrs)

[Delivered by: S. DAWREEAWOO, Senior District Magistrate]

[Delivered on: 02.02.2026]