

IN THE INTERMEDIATE COURT OF MAURITIUS
(FINANCIAL CRIMES DIVISION)

CN: 27/2025

In the matter of:

The State

v/s

Saleem-Ud-Deen SEEGOOLAM

SENTENCE

The accused has been prosecuted for the offence of money laundering in breach of Sections 3(1)(b), 6 and 8 of **the Financial Intelligence and Anti-Money Laundering Act 2002** ('FIAMLA'). The accused pleaded guilty to the information. He was represented by Counsel. The case for the prosecution was also conducted by Counsel for the ICAC.

The proceedings were held in creole.

The case for the prosecution

Learned Counsel for the prosecution called witness No. 1, WPCI Raymond who identified and produced 7 defence statements for the accused, which were marked as **Doc A**, **Doc A1**, Doc A2, Doc A3, Doc A4, Doc A5 and **Doc A6**. There was no objection to production of same from Learned Counsel for the defence. In cross-examination, the witness stated that the accused had fully cooperated with the police for the purposed of the enquiry and that he made a full confession.

The prosecution then called CI Naicken posted at the FCC, who recorded two defence statements from the accused, which were marked as Doc A7 and Doc A8. There was no objection to production of same from Learned Counsel for the defence.

The case for the defence

During the sentencing hearing, the accused deposed under solemn affirmation. He stated that he was 61 years old and was currently unemployed. He derives a monthly pension of Rs 15,000/-. He begged for excuse from the dock and prayed for leniency from the Court.

The accused has a clean record and had spent 1 day in police cell as per Doc Y.

Submissions by defence Counsel

Learned Counsel submitted in mitigation that the accused had made a full confession. He had fully cooperated with the police and had pleaded guilty at an early stage. The accused has a clean record and has expressed remorse for his actions. Learned Counsel prayed for a minimum fine which will meet the ends of justice.

The Court's assessment

The information was lodged on 30th July 2025. The accused pleaded guilty on 15th December 2025 at the earliest opportunity.

Section 8 of the FIAMLA (pre-amendment) applicable in the present case provides for penalty for this offence as follows:

"8. Penalty

(1) Any person who -(a) commits an offence under this Part;

.....

shall, on conviction, be liable to a fine not exceeding 2 million rupees and to penal servitude for a term not exceeding 10 years."

Section 69B of the **District and Intermediate (Criminal jurisdiction) Act** reads as follows:

"69B. Sentence on timely guilty plea

The District Court or the Intermediate Court may mitigate the sentence on an accused party who appears before it and makes, in the opinion of the Court, a timely plea of guilty to the offence with which he stands charged.”

It is apposite for this Court to consider the following judgments where the Court had applied deductions where a guilty plea was indicated at the earliest opportunity.

In *State v. Doorgachurn S. K* [2015] SCJ 55, the Court made the following observation on timely guilty plea:

In the case of *State v Tony Mootien* [2009 SCJ 28], the Court considered the recommendation contained in the **SGC Revised Guideline “Reduction in Sentence for Guilty plea (July 2007)** referred to in **Blackstone’s Criminal Practice (2008)** and agreed that the Criminal Division of the Supreme Court seemed to have applied the recommendation that one third deduction be given where the plea is indicated at the first reasonable opportunity.

In *Mansing K. v. The State* [2020] SCJ 248, the Court referring to the above, further made the following observation:

The guidelines published in 2018 have in substance, remained the same. They are as follows:

“The purpose of reducing the sentence for a guilty plea is to yield the benefits described above. The guilty plea should be considered by the court to be independent of the offender’s personal mitigation. Factors such as admissions at interview, co-operation with the investigation and demonstrations of remorse should not be taken into account in determining the level of reduction. Rather, they should be considered separately and prior to any guilty plea reduction, as potential mitigating factors. The benefits apply regardless of the strength of the evidence against an offender. The strength of the evidence should not be taken into account when determining the level of reduction.

The guideline applies only to the punitive elements of the sentence and has no impact on ancillary orders including orders of disqualification from driving.”

(Reduction in Sentence for a Guilty Plea Definitive Guideline 2018)”

In light of the aforesaid, in view of the accused's guilty plea during the proceedings, he may benefit from a reduction in sentence and this is being considered independently from any mitigating factors.

The Court is alive that the accused has a clean record and has spent one day in police cell as per **Doc Y**.

From the evidence adduced, the accused has confessed to the charge and he has expressed remorse for his acts and doings. He also stated that he was currently unemployed and was deriving a monthly pension. The accused had fully cooperated with the investigators during the course of enquiry.

At this stage, I find it apposite to refer to the following extract from *Heerah Y. S v. The State* [2012] SCJ 71:

"That a prison sentence is normally appropriate where an offender is convicted for serious offences, of that there is no doubt. But the level at which the offence should be placed on the scale of offences in terms of the degree of seriousness must not be ignored. Furthermore, not all candidates who fail the test of monetary penalties, or a Probation or Conditional Discharge Order become automatically candidates for prisons.....

Courts should refrain from imposing custodial sentences as a matter of reflex and indiscriminately in all cases where fines and Probation Orders and Conditional Discharge Orders are not found appropriate. Serious consideration should be given to that intermediate option inasmuch as "the deprivation of liberty through a custodial sentence is the most severe penalty available to the courts and the proper punishment for the most serious crimes:".."

I also take note of the principle of individualization as set out in the judgment of *Lin Ho Wah v The State* [2012] SCJ 70 and referred to in the judgment of *Manbode A.N.P v. The State* [2016] SCJ 254:

"The need to individualize sentences to each and every offender who stands convicted before the court can never be exaggerated. A just sentence which fits the offender gives

greater public confidence to the public in our judicial system. Sentencing an offender was never a mechanical and will-nilly application of the general penalty prescribed with reference to the numbers and the letters of the law. The judicial discretion to sentence inherent in our court system should not be taken for granted and honoured more in the ignorance than in its application. While the formulation and application of general principles assist in obtaining a coherence in sentencing amongst the various courts of the land and while the principle of proportionality assists in obtaining a just balance between what the law prescribed and what the particular facts of the case exact, the principle of individualization concretizes the rights and freedoms guaranteed by the Constitution to the individual. A just sentence is an essential part of a citizen's right to a fair trial."

This Court notes that the present case involves a serious offence for which the offender is liable a fine not exceeding 2 million rupees and to penal servitude for a term not exceeding 10 years. It is noted that the accused is being prosecuted for having unlawfully in his possession a sum of Rs 197,500/-, which is in whole or in part directly or indirectly represented the proceeds of a crime and he had reasonable grounds for suspecting that the said property was derived in whole or in part, directly or indirectly from a crime. In his defence statement, the accused has admitted that the said sum of money was obtained from illegal betting and he confessed to the charge. (Doc A4 refers)

Having considered the timely guilty plea of the accused as well as the mitigating circumstances above, I sentence the accused to pay a fine of Rs 60,000/-.

Plus Rs 500/- as costs.



Ms N. Seebaluck

Acting Magistrate Intermediate Court

12.02.2026

