

IN THE INTERMEDIATE COURT (FINANCIAL CRIMES DIVISION)

CN103/2020

In the matter of:

POLICE

V

FEROZ ASLAM DAHOO

RULING

1. The accused stands charged under fourteen counts 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**. The accused pleaded not guilty to the charges and retained the services of counsel. The information against the accused reads as follows:

COUNT 1

That on or about the 27th September 2012 at Mauritius Commercial Bank Ltd, Head Office at Port-louis, in the said district one FEROZ ASLAM DAHOO, 46 yrs, Self Employed, then Director of Westminister Financial Ltd and residing at White Bliss Lane, Amaury did wilfully, unlawfully and criminally, receive property which, in whole or in part directly or indirectly represented, the proceeds of a crime, where he, the said Feroz Aslam DAHOO had reasonable grounds for suspecting that the property was derived, in whole or in part, directly and indirectly from a crime.

PARTICULARS

On or about the aforesaid date and place, the said Feroz Aslam DAHOO received sum of Rs 10,000 USD in his personal savings Account No. 000441491189 held at the Mauritius Commercial Bank (MCB) Ltd, which sum, in whole or in part, directly or indirectly represented the proceeds of a crime and where he, the said Feroz Aslam DAHOO, had reasonable grounds for suspecting that the said received sum, was derived, in whole or in part, directly or indirectly from the said crime.

COUNT 2

That on or about the 23rd October 2012 at Mauritius Commercial Bank Ltd, Head Office at Port-louis, in the said district one FEROZ ASLAM DAHOO, 46 yrs, Self Employed, then Director of Westminister Financial Ltd and residing at White Bliss Lane, Amaury did wilfully, unlawfully and criminally, receive



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COUNT 3

That on or about the 23rd November 2012 at Mauritius Commercial Bank Ltd, Head Office at Port-louis, in the said district one FEROUZ ASLAM DAHOO, 46 yrs, Self Employed, then Director of Westminister Financial Ltd and residing at White Bliss Lane, Amary did wilfully, unlawfully and criminally, receive property which, in whole or in part directly or indirectly represented, the proceeds of a crime, where he, the said Feroz Aslam DAHOO had reasonable grounds for suspecting that the property was derived, in whole or in part, directly and indirectly from a crime.

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COUNT 4

That on or about the 24th December 2012 at Mauritius Commercial Bank Ltd, Head Office at Port-louis, in the said district one FEROUZ ASLAM DAHOO, 46 yrs, Self Employed, then Director of Westminister Financial Ltd and residing at White Bliss Lane, Amary did wilfully, unlawfully and criminally, receive property which, in whole or in part directly or indirectly represented, the proceeds of a crime, where he, the said Feroz Aslam DAHOO had reasonable grounds for suspecting that the property was derived, in whole or in part, directly and indirectly from a crime.

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COUNT 5

That on or about the 23rd January 2013 at Mauritius Commercial Bank Ltd, Head Office at Port-louis, in the said district one FEROUZ ASLAM DAHOO, 46 yrs, Self Employed, then Director of Westminister Financial Ltd and residing at White Bliss Lane, Amaury did wilfully, unlawfully and criminally, receive property which, in whole or in part directly or indirectly represented, the proceeds of a crime, where he, the said Feroz Aslam DAHOO had reasonable grounds for suspecting that the property was derived, in whole or in part, directly and indirectly from a crime.

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COUNT 6

That on or about the 25th February 2013 at Mauritius Commercial Bank Ltd, Head Office at Port-louis, in the said district one FEROUZ ASLAM DAHOO, 46 yrs, Self Employed, then Director of Westminister Financial Ltd and residing at White Bliss Lane, Amaury did wilfully, unlawfully and criminally, receive property which, in whole or in part directly or indirectly represented, the proceeds of a crime, where he, the said Feroz Aslam DAHOO had reasonable grounds for suspecting that the property was derived, in whole or in part, directly and indirectly from a crime.

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COUNT 7

That on or about the 25th March 2013 at Mauritius Commercial Bank Ltd, Head Office at Port-louis, in the said district one FERUZ ASLAM DAHOO, 46 yrs, Self Employed, then Director of Westminister Financial Ltd and residing at White Bliss Lane, Amaury did wilfully, unlawfully and criminally, receive property which, in whole or in part directly or indirectly represented, the proceeds of a crime, where he, the said Feroz Aslam DAHOO had reasonable grounds for suspecting that the property was derived, in whole or in part, directly and indirectly from a crime.

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COUNT 9

That on or about the 23rd May 2013 at Mauritius Commercial Bank Ltd, Head Office at Port-louis, in the said district one FERUZ ASLAM DAHOO, 46 yrs, Self Employed, then Director of Westminister Financial Ltd and residing at White Bliss Lane, Amaury did wilfully, unlawfully and criminally, receive property which, in whole or in part directly or indirectly represented, the proceeds of a crime, where he, the said Feroz Aslam DAHOO had reasonable grounds for suspecting that the property was derived, in whole or in part, directly and indirectly from a crime.

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COUNT 10

That on or about the 24th June 2013 at Mauritius Commercial Bank Ltd, Head Office at Port-louis, in the said district one FEROUZ ASLAM DAHOO, 46 yrs, Self Employed, then Director of Westminister Financial Ltd and residing at White Bliss Lane, Amaury did wilfully, unlawfully and criminally, receive property which, in whole or in part directly or indirectly represented, the proceeds of a crime, where he, the said Feroz Aslam DAHOO had reasonable grounds for suspecting that the property was derived, in whole or in part, directly and indirectly from a crime.

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COUNT 11

That on or about the 23rd of July 2013 at Mauritius Commercial Bank Ltd, Head Office at Port-louis, in the said district one FEROUZ ASLAM DAHOO, 46 yrs, Self Employed, then Director of Westminister Financial Ltd and residing at White Bliss Lane, Amaury did wilfully, unlawfully and criminally, receive property which, in whole or in part directly or indirectly represented, the proceeds of a crime, where he, the said Feroz Aslam DAHOO had reasonable grounds for suspecting that the property was derived, in whole or in part, directly and indirectly from a crime.

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COUNT 12



That on or about the 23rd of August 2013 at Mauritius Commercial Bank Ltd, Head Office at Port-louis, in the said district one FERUZ ASLAM DAHOO, 46 yrs, Self Employed, then Director of Westminister Financial Ltd and residing at White Bliss Lane, Amaury did wilfully, unlawfully and criminally, receive property which, in whole or in part directly or indirectly represented, the proceeds of a crime, where he, the said Feroz Aslam DAHOO had reasonable grounds for suspecting that the property was derived, in whole or in part, directly and indirectly from a crime.

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COUNT 13

That on or about the 4th September 2013 at Mauritius Commercial Bank Ltd, Head Office at Port-louis, in the said district one FERUZ ASLAM DAHOO, 46 yrs, Self Employed, then Director of Westminister Financial Ltd and residing at White Bliss Lane, Amaury did wilfully, unlawfully and criminally, receive property which, in whole or in part directly or indirectly represented, the proceeds of a crime, where he, the said Feroz Aslam DAHOO had reasonable grounds for suspecting that the property was derived, in whole or in part, directly and indirectly from a crime.

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On or about the aforesaid date and place, the said Feroz Aslam DAHOO received sum of Rs 10,000 USD in his personal savings Account No. 000441491189 held at the Mauritius Commercial Bank (MCB) Ltd, which sum, in whole or in part, directly or indirectly represented the proceeds of a crime and where he, the said Feroz Aslam DAHOO, had reasonable grounds for suspecting that the said received sum, was derived, in whole or in part, directly or indirectly from the said crime.

COUNT 14

That on or about the 4th September 2013 at Mauritius Commercial Bank Ltd, Head Office at Port-louis, in the said district one FERUZ ASLAM DAHOO, 46 yrs, Self Employed, then Director of Westminister Financial Ltd and residing at White Bliss Lane, Amaury did wilfully, unlawfully and criminally, receive property which, in whole or in part directly or indirectly represented, the proceeds of a crime, where he, the said Feroz Aslam DAHOO had reasonable grounds for suspecting that the property was derived, in whole or in part, directly and indirectly from a crime.

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On or about the aforesaid date and place, the said Feroz Aslam DAHOO received sum of Rs 10,000 USD in his personal savings Account No. 000441491189 held at the Mauritius Commercial Bank (MCB)



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2. During the Court sitting of the 10th March 2026 witness 27 was called to testify by the prosecution. During his examination in chief the prosecution sought to show to witness 27 a document.

3. Defence Counsel objected to this course of action on the following grounds:

Yes. So at this stage, Your Honour, I will object to the identification of the document. Am I right to say identification of the document and production of the document by learned friend? The reason being that this document is not part of the court record and has not been produced by this witness at the FCC. It was never part of his inquiry at the FCC. I mean, the then ICAC, now the FCC.

4. Arguments were heard on the same day. On the one hand, prosecution argued that:

Yes, Your Honour, from the outset of this witness's testimony, he mentions a document and of course he's seen the document on the table and he's explained afterwards, at the end of his testimony, the context through which he was shown the document. So the prosecution is now entitled to ask him, first of all, if this is the document that he has been referring to throughout his testimony. If he accepts that this is indeed a copy of that document, then we'll ask him produce it. He explained that he had been shown in document by Mr Nunkoo, he's taken it home, he's relied on it and then decided to invest.

It's only fair that he be allowed to identify and confirm that is indeed a copy of a document he was given, the document he was given by Mr Nunkoo and then be allowed to produce it. The issue is not one of admissibility but more in relation to weight. Your Honour will then decide as to whether this document should be given any weight at all.

That's of course provided we pass the first test, which is whether the witness does identify this as being a document he has referred to in his testimony. It's a factual issue rather than a legal one.

5. On the other hand, defence counsel contended that:



First thing, Your Honour, it is mentioned that this...a document which my friend is referring to was given to him by Mr Nunkoo, who's not even on the list of witnesses. That's the first point. The second point is that my learned friend stated earlier that he said, and I wrongly heard initially, that for the record he's pointing to a document.

Then my learned friend corrected me to say that no, he stated for the record this document is not on record and is not part of the record. I find it highly objectionable for a witness to refer to any document which is on the table which Your Honour is not aware of, we are not aware of, just to say it is this document and then through this back door to get it in. To get a document to be admissible by this witness, the rule is very simple, it's either he has personal knowledge of it that he produced it or he identified during the enquiry in this matter.

He just mentions of a document and then he finds a document on the table, he says this is the document and then he finds a document on the table, he says this is the document, we don't even know what document he is referring to. This is no way to get a document identified by this specific witness. Should this document be produced and is part of the court record, that would have been a different matter

But this is not the case here. It is not even part of the court record. The person who remitted the said document in his statement is Mr Nunkoo, who's not even a witness in this specific matter. That person points to something on the table which we don't know, he does not produce. It is highly objectionable and unfair to be able to identify it at this stage. So those would be my submissions and I note that in my objection.

6. In their respective replies; The prosecution reiterated that it is a question of “*weight*.” The defence stated that “*it's a question of procedural integrity*” and that the proper person should come and produce that document, that is not witness 27.
7. Other than the oral submission, no case law or authorities were submitted by either party.
8. This Court has carefully considered the respective submissions made by the prosecution and the defence. **In Blackstone's Criminal Practice 2026 > PART F EVIDENCE > Section F8 Documentary Evidence and Real Evidence > Real Evidence F8.48** documents can be admitted as real evidence merely for the purpose of identifying same or to establish its existence:



Documents as Real Evidence

Documents on the contents of which a party seeks to rely, whether as evidence of their truth, under an exception to the hearsay rule, or as original evidence, are subject to the rules as to proof of contents and due execution, dealt with at F8.2 to F8.44. These rules, however, have no application if:

(a) the contents are referred to merely for the purposes of identifying the document in question or establishing the bare fact of its existence (Boyle v Wiseman (1855) 11 Exch 360, at pp. 367 et seq.); or

(b) the document is tendered as a material object, regardless of its contents, in order to show, e.g., its appearance, that it bears certain fingerprints, that it is made of a particular substance, or that it is in a particular physical condition.

9. In the present matter, this Court has taken into account the prosecution's question and purpose for bringing this document before The Court. First of all, the prosecution's questions are framed in such a way so that witness No 27 is only being asked to identify this document as a "*document he relied upon to invest.*" Nothing more is being put to him. That falls within the context of the principles set out in **Blackstone's Criminal Practice 2026**. In fact, should witness 27 be asked to asked about the contents or to expatiate on that document, then on the grounds of hearsay regarding its admissibility, namely who is the maker; that would be objectionable. But in the current situation, that is not what the prosecution intends to do as can be gathered from the court record and interaction between the Court and prosecution counsel. It is only for the objective of showing the "existence" of such a document the prosecution has adopted this course of action. In fact, once admitted and following cross-examination and re-examination on its "raison d'être", the fate of this document will only be decided based on the weight to attach to that document and this can be addressed in the closing submissions.

10. For these reasons, the objection is overruled. The case is fixed for continuation for prosecution to proceed with the examination in chief of witness 27.



A. Joypaul

Intermediate Court Magistrate

Financial Crimes Division

8.5.26

