

Summary: *J. E. ARISITIDE v THE STATE OF MAURITIUS & ANOR* 2026 SCJ 127

The appellant, a police sergeant, was convicted by the Intermediate Court (FCD) for the offence of bribery by a public official under Section 4(1)(b) and (2) of the Prevention of Corruption Act 2002 (“PoCA”). He was sentenced to twelve months’ imprisonment and ordered to pay costs of Rs 500. The prosecution’s case was that pursuant to a road accident involving Mr. Vassoodev Chumun, the appellant attended the scene and, while driving the damaged vehicle to the police station with Mr. Chumun, solicited a sum of Rs 5,000 in order not to report the accident, thereby also avoiding an alcohol test. The appellant denied the allegation, maintaining that another officer, PC Arianaik, was present and that he himself drove the vehicle alone, without making any such request.

On appeal, the principal issues, as enunciated under the 10 grounds of appeal, concerned the credibility of the main prosecution witness, the reliability of police records and testimony, the alleged failure of the investigation to conduct a confrontation exercise, and the validity of several grounds of appeal. The appellant argued that Mr. Chumun’s evidence contained contradictions as to both the amount solicited and the purpose of the solicitation, and that his prior conviction for drink driving provided a motive to fabricate. It was further contended that inconsistencies between the Diary Book and the vehicle log book undermined the prosecution’s case, and that the failure by ICAC to confront Mr. Chumun with PC Arianaik weakened the evidential basis of the conviction.

The Appellate Court, however, found that the learned Magistrate had been fully alive to the alleged contradictions in Mr. Chumun’s testimony and had properly reconciled them. The court held that minor discrepancies, particularly in recollection of details after several years, did not detract from the substance of the evidence where the witness was otherwise credible. The Magistrate was entitled to retain the version that the money was solicited to avoid reporting the accident, which conclusion was supported by surrounding circumstances and corroborative evidence, including the testimony of PS Oolun and entries in the Diary Book. The court further held that the witness’s prior conviction was irrelevant to his credibility in the present context and did not establish any improper motive.

With regard to the evidence of PC Arianaik and the alleged inconsistencies in the log book, the court held that the Magistrate was justified in placing greater reliance on the testimony of PS Oolun, which indicated that PC Arianaik was not present at the scene of the accident. The discrepancies in documentary records were not of such a nature as to displace the overall coherence of the case of the prosecution. Similarly, the complaint regarding the absence of a confrontation exercise was rejected, the court finding that such an exercise would have served no useful purpose given that PC Arianaik was not at the locus at the material time and that the identity of the second officer remained unknown.

The court also addressed several grounds of appeal which were found to be vague and lacking in details. It reiterated the settled principle that grounds of appeal must clearly identify the alleged errors of law or fact and cannot be framed in general or ambiguous terms requiring the

Appellate Court to speculate as to the appellant's complaint. In the absence of any particularised grievance, such grounds do not constitute proper grounds of appeal and must be dismissed.

In conclusion, the Appellate Court held that the learned Magistrate had carried out a careful and comprehensive assessment of the evidence and had properly evaluated the credibility of the witnesses. The findings of fact were supported by the record and disclosed no error warranting interference by the Appellate Court. Accordingly, all the grounds of appeal failed, and the appeal was dismissed with costs, the conviction and sentence being upheld.