THE INTERMEDIATE COURT OF MAURITIUS

Financial Crimes Division

CN: FR/L35/2026

In the matter of:

The Financial Crimes Commission

V

Bhageeruth BOODHOO

SENTENCE

The accused stands convicted in respect of 5 counts with willfully and unlawfully receiving property which, in whole directly represented the proceeds of a crime in breach of **sections 3(1) (b), 6 and 8 of the Financial Intelligence and Anti-Money Laundering Act.**

He was represented by Mr. V Runghen. Mr. Collimalay appeared for the prosecution.

As part of the pre-sentence hearing, the statements recorded from the Accused were read and produced. They were initially produced in previous case FR/L35/2020, which was discontinued due to change of plea of one co-accused and certified copies of same were put in. Originally, the case was lodged before the Criminal Division of the Intermediate Court (CN 1271/2011) and later transferred to the Financial Crimes Division.

The accused stated from the dock that he will not make the same mistake again. He explained that he is now a planter, earning his life as a responsible person, that he has to look after his family, especially his child who is disabled. He prays for excuse.

Before the amendment brought by Act 9 of 2019, **Section 8** of the FIAMLA provided for a fine not exceeding 2 million rupees and to penal servitude for a term not exceeding 10 years.

In **M N Toolsy v The State 2012 SCJ 410**, the Supreme Court referred to **Queen [1981] 3 Cr App R at page 246** where the Court of Appeal stated that:

> *"The proper way to look at the matter is to decide a sentence which is appropriate for the [instant] offence ... Then in deciding whether that sentence should be imposed or whether the court can extend properly some leniency to the prisoner, the court must have regard to those matters which tell in his favour; and equally to those matters which tell against him, in particular his record of previous convictions."*

Learned Counsel for the defence highlighted the various mitigating factors including the guilty plea of the Accused, his remorse and family background, amount involved and prayed that a fine be imposed. He referred to the cases of **Laval v ICAC 2013 SCJ 431** and **Jahangeer v The State 2025 SCJ 98.**

I have considered that the accused have offered a guilty plea, though not a timely one which in view of **Section 69B of The District and Intermediate Courts (Criminal Jurisdiction)**

Act is normally seen as a mitigating factor. The guilty plea comes after some 20 years from the date of offence. I nevertheless find that some discount must be given on this basis. I bear in mind that Accused has a clean record and has not reoffended in the past 20 years. It gives credit to his statement that he is a reformed man. I also take into account all other factors which tell in his favour, more importantly his expression of remorse and his personal background.

The seriousness of the case does not relate to the amount involved, which was not substantial, but from the misuse of public funds. Following complaints received, the former ICAC investigated into various payments made to contractors for works allegedly carried out on behalf of the Pamplemousses Riviere du Rempart District Council (PRDC). According to the minutes of the PRDC, no decision was taken to retain services of the Accused as contractor. No works were carried out by him, but payment was effected after one Mr Anthony, officer at PRDC, certified that the works were carried out.

I find relevant to quote the following from **Abongo v The State 2009 SCJ 81**, with regard to the rationale of sentencing measures:

> *"The Financial Intelligence and Anti-Money Laundering Act was enacted essentially for the purpose of combating money laundering offences which had the potential of adversely affecting the social and economic set up, both at national and international level to such an extent that they may constitute serious threats not only to the financial system but also to national security, the rule of law and the democratic roots of society. By enacting sections 5, 6 and 8 of the Act, the policy of the legislator was clearly designed to achieve the compelling objective of safeguarding the national and international financial systems against any disruptive intrusion which may be caused by the perpetrators of certain criminal activities."*

This kind of transaction was certainly amongst those targeted when the FIAMLA was enacted. I however consider that the scale is lesser and is nothing as compared to large level of criminal activities with international implication, but nevertheless it is something which can adversely affect the financial system and disrupt the economic structures.

The remedy afforded to the accused needs to be addressed in consideration of the delay which occurred. In **Boolell P v The State 2005 PRV 39**, the Board did not regard it as acceptable that a prison sentence imposed by the Intermediate Court be put into operation some 15 years after the commission of the offence unless public interest affirmatively required a custodial sentence. Their Lordships set aside the prison sentence and substituted it for a fine.

Taking into account the circumstances of the offence, the amount involved in respect of each count, together with the participation of the accused and the mitigating factors as highlighted above, I consider that a fine is more appropriate. The Accused having pleaded guilty is amenable to some reduction and I bear in mind that the amount of fine should be in line with the totality principle applied by the Supreme Court.

In the case of **M C Laval & Anor v ICAC and The State 2013 SCJ 431**, A. Caunhye and N. Matadeen JJ. maintained the sentence of fine imposed on the accused. They applied the totality principle laid down in **Chelmsford Crown Court, ex parte Birchall (1989) 11 Cr App R (S) 510** to the effect that when fining in respect of a number of offences, the sentencer must review the total sentence and ensure that it remains proportionate to the offences and seriousness of the totality of the offences.

Count 1: I sentence the Accused to pay a fine of 10,000 rupees.

Count 2: I sentence the Accused to pay a fine of 10,000 rupees.

Count 3: I sentence the Accused to pay a fine of 10,000 rupees.

Count 4: I sentence the Accused to pay a fine of 10,000 rupees.

Count 5: I sentence the Accused to pay a fine of 10,000 rupees.

The accused is ordered to pay 500 rupees as costs.

The Prohibition Order lapses after satisfaction of sentence and delay of appeal.

B.R. Jannoo- Jaunbocus (Mrs.)
President
Intermediate Court (Financial Crimes Division)
This 17th July 2026.