THE INTERMEDIATE COURT OF MAURITIUS

Financial Crimes Division

CN: FR/L37/2026

**In the matter of:**

**The Financial Crimes Commission**

**V**

1. **Vinod POHOROO**
2. **Bhageeruth BOODHOO**
3. **Pravind PERSAND**

## SENTENCE

All the accused stand convicted with:

**Accused 1**

Count 1: willfully, unlawfully and criminally receiving property which, in whole directly represented the proceeds of a crime, where he had reasonable grounds for suspecting that the property was derived, in whole, directly from a crime in breach of **sections 3(1) (b), 6 and 8 of the Financial Intelligence and Anti-Money Laundering Act.**

**Accused 2**

Count 2: willfully, unlawfully and criminally receiving property which, in whole directly represented the proceeds of a crime, where he had reasonable grounds for suspecting that the property was derived, in whole, directly from a crime in breach of **sections 3(1) (b), 6 and 8 of the Financial Intelligence and Anti-Money Laundering Act.**

**Accused 3**

Counts 3 and 4: willfully, unlawfully and criminally receiving property which, in whole directly represented the proceeds of a crime, where he had reasonable grounds for suspecting that the property was derived, in whole, directly from a crime in breach of **sections 3(1) (b), 6 and 8 of the Financial Intelligence and Anti-Money Laundering Act.**

They were represented by Messrs. A. Sahebally, V. Runghen and R. Bhoyroo respectively. Mr Collimalay appeared for the prosecution.

During the pre-sentence hearing, the statements recorded from the Accused were read and produced. They were initially produced in previous case FR/L36/2023, which was discontinued following a motion for separate trial.

Accused 1 stated from the dock that he is a taxi driver and sole breadwinner. He begged for excuse and stated that he felt remorse.

Accused 2 presented his apologies and promised not to repeat the same mistake. He is married, has three children, one of which is disabled. He now leads a responsible life.

As for Accused 3, he has the responsibility of his mother and children. He is employed as hanyman, whilst his wife works as a factory worker. He never had any issue with the police.

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, their remorse and family background, level of prejudice and prayed that a fine be imposed. Mr. Runghen 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 commission of the offence. I nevertheless find that some discount must be given on this basis.

I bear in mind the mitigating factors for each Accused. Accused 1 and 2 have a clean record, whilst Accused 3 has no record for crimes. They have not reoffended in the past 20 years and this gives credit to their statement that the are leading a proper life. I also take into account all other factors which tell in their favour, more importantly their expression of remorse and personal background.

The significance of the case does not relate to the amount involved, which was not substantial, but from the misuse of public funds. The investigation revealed that the Accused have received payments from the Pamplemousses Riviere du Rempart District Council (PRDC) for works carried out at the Pamplemousses market by employees of the PRDC and for works that were never carried out by them. The amount involved for Accused 1 is Rs 60,000; for accused 2, is Rs 40,000 and Accused 3, it is Rs 35,00 on each count.

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.

A balance should be made between the need to have the offender pay for his act which justice demands and a sentencing measure that proves to be constructive rather than destructive in its overall effect. The accused have come with a realisation of the wrongfulness of their acts and are now engaged in greater sense of responsibility. In view of the fact that it is their first encounter with the law, I consider that a fine will meet the ends of justice.

The remedy afforded to the accused needs also 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.

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

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

**Count 3: I sentence Accused 3 to pay a fine of 8,000 rupees.**

**Count 4: I sentence Accused 3 to pay a fine of 8,000 rupees.**

Each accused is ordered to pay 500 rupees as costs.

**The Prohibition Orders shall lapse after satisfaction of sentence and delay of appeal.**

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