

CASES PENDING BEFORE INTERMEDIATE COURT

April 2010

S No	Cause No	Particulars of Charge	Date
17	1126/08	<p><u>CONFLICT OF INTERESTS</u> (7 Counts)</p> <p>Breach of Section 13(2)(3) of the Prevention of Corruption Act 2002 as amended by section 4 of Act 1 of 2006.</p> <p><i>That on or about the 31st day of July 2007, at Municipal Council of Quatre Bornes in the District of Plaine Wilhems, one <u>CHETANAND PURSUN</u>, 50 years, Councilor at Municipal Council of Quatre Bornes and residing at No 26 Route Bassin, Quatre Bornes, did whilst being a public official, whose relative had a personal interest in a decision which a public body had to take, that public official wilfully, unlawfully and criminally take part in the proceedings of that public body relating to such decision.</i></p> <p><u>Particulars of the charge</u></p> <p><i>On the date and place aforesaid, the said <u>Chetanand Pursun</u>, chaired the meeting of the Public Health Committee (PHC) of the Municipal Council of Quatre Bornes, that approved the recommendations of the Public Health Sub Committee relating to the allocation of stalls/spaces for the haberdashery fair to be held every Tuesdays and Fridays at Quatre Bornes Market, wherein his wife Mrs Muctasingh Pursun, born Chuttoo was among the applicants recommended.</i></p> <p><u>COUNT II</u></p> <p><i>That on or about the aforesaid date and place the said <u>CHETANAND PURSUN</u>, did whilst being a public official, whose relative had a personal interest in a decision which a public body had to take, that public official wilfully, unlawfully and criminally take part in the proceedings of that public body relating to such decision.</i></p>	<p style="text-align: right;"><i>Ruling</i> 22.04.10</p> <p>Note – On 07.09.09 Counts V & VI dismissed against Mr Veejay Kumar Beeharee as he has passed away</p>

Particulars of the charge

*On the date and place aforesaid, the said **Chetanand Pursun**, chaired the meeting of the Public Health Committee (PHC) of the Municipal Council of Quatre Bornes, that approved the recommendations of the Public Health Sub Committee relating to the allocation of stalls/spaces for the haberdashery fair to be held every Tuesdays and Fridays at Quatre Bornes Market, wherein his sister Mrs Nowtee Rajcoomar, born Pursun was among the applicants recommended.*

COUNT III

*That on or about the aforesaid date and place the said **CHETANAND PURSUN**, did whilst being a public official, whose relative had a personal interest in a decision which a public body had to take, that public official wilfully, unlawfully and criminally take part in the proceedings of that public body relating to such decision.*

Particulars of the charge

*On the date and place aforesaid, the said **Chetanand Pursun**, chaired the meeting of the Public Health Committee (PHC) of the Municipal Council of Quatre Bornes, that approved the recommendations of the Public Health Sub Committee relating to the allocation of stalls/spaces for the haberdashery fair to be held every Tuesdays and Fridays at Quatre Bornes Market, wherein his sister Mrs Oomawtee Tacouree, born Pursun, was among the applicants recommended.*

COUNT IV

*That on or about the 31th day of July 2007, at Municipal Council of Quatre Bornes in the District of Plaine Wilhems, one **ROSHAN MUNEE SEETOHUL**, 45 years, Councilor at Municipal Council of Quatre Bornes and residing at No 344 Palma Road, Quatre Bornes, did whilst being a public official, whose relative had a personal*

interest in a decision which a public body had to take, that public official wilfully and unlawfully take part in the proceedings of that public body relating to such decision.

Particulars of the charge

*On the date and place aforesaid, the said **Roshan Munee Seetohul**, whilst being a member of the Public Health Committee (PHC) of Municipal Council of Quatre Bornes, took part in the meeting that approved the recommendations of the Public Health Sub Committee relating to the allocation of stalls/spaces for the haberdashery fair to be held every Tuesdays and Fridays at Quatre Bornes Market, wherein his wife Mrs Sandhya Devi Seetohul, born Dookhurrun, was among the applicants recommended.*

COUNT V

*That on or about the 31st day of July 2007, at Municipal Council of Quatre Bornes in the District of Plaine Wilhems, one **VEEJAY KUMAR BEEHAREE**, 54 years, Councilor at Municipal Council of Quatre Bornes and residing at No 4 Candos Lane, Quatre Bornes, did whilst being a public official, whose relative had a personal interest in a decision which a public body had to take, that public official wilfully and unlawfully take part in the proceedings of that public body relating to such decision.*

Particulars of the charge

*On the date and place aforesaid, the said **Veejay Kumar Beeharee**, whilst being a member of the Public Health Committee (PHC) of Municipal Council of Quatre Bornes took part in the meeting that approved the recommendation of the Public Health Sub Committee relating to the allocation of stalls/spaces for the haberdashery fair to be held every Tuesdays and Fridays at Quatre Bornes Market, wherein his sister in law Mrs Damyantee Prayag, born Dookhun, was among the applicants recommended.*

COUNT VI

*That on or about the aforesaid date and place the said **VEEJAY KUMAR BEEHAREE**, did whilst being a public official, whose relative had a personal interest in a decision which a public body had to take, that public official wilfully and unlawfully*

		<p><i>take part in the proceedings of that public body relating to such decision.</i></p> <p><u>Particulars of the charge</u></p> <p><i>On the date and place aforesaid, the said <u>Veejay Kumar Beeharee</u>, whilst being a member of the Public Health Committee (PHC) of Municipal Council of Quatre Bornes took part in the meeting that approved the recommendation of the Public Health Sub Committee relating to the allocation of stalls/spaces for the haberdashery fair to be held every Tuesdays and Fridays at Quatre Bornes Market, wherein his sister in law Mrs Jaywantee Suntoo, born Dookhun, was among the applicants recommended.</i></p> <p><u>COUNT VII</u></p> <p><i>That on or about the 31st day of July 2007, at Municipal Council of Quatre Bornes in the District of Plaine Wilhems, one <u>NIRENDRANATH KUMAR CHADY</u>, 48 years, Councilor at Municipal Council of Quatre Bornes and residing at No 29 Ave des Rosiers, Quatre Bornes, did whilst being a public official, whose relative had a personal interest in a decision which a public body had to take, that public official wilfully and unlawfully take part in proceedings of that public body relating to such decision.</i></p> <p><u>Particulars of the charge</u></p> <p><i>On the date and place aforesaid, the said <u>Nirendranath Kumar Chady</u>, whilst being a member of the Public Health Committee (PHC) of Municipal Council of Quatre Bornes took part in the meeting that approved the recommendation of the Public Health Sub Committee relating to the allocation of stalls/spaces for the haberdashery fair to be held every Tuesdays and Fridays at Quatre Bornes Market wherein his brother in law Mr Ajay Kumar Boojwan, was among the applicants recommended.</i></p>	
29	556/09	<p>1 <u>FORGERY BY PUBLIC OFFICER</u> (Counts I to IV)</p> <p><i>Breach of Section: 107 and 121 of the Criminal Code.</i></p> <p>2 <u>PUBLIC OFFICIAL USING POSITION FOR GRATIFICATION</u> (Count V)</p>	<p><i>Judgment</i> <i>23.04.10</i></p>

Breach of Sections: 7(1) and 83 of the Prevention of Corruption Act

*That on or about the 28th day of October in the year 2005 at Petite Riviere Civil Status Office in the District of Black River one **ABOO BAKAR SIDICK NOORMAMODE**, 51 yrs, Civil Status Officer and residing at 55 Blondeau street, Rose Hill, did whilst being a public officer who, in drawing up a writing in the discharge of his duty, wilfully, unlawfully and fraudulently alter its particulars by stating a false fact as true, to wit: by inserting the age of Miss Marie Ronna Olivia Vulcain as “16” years instead of “15” years in the ‘Wife/Epouse’ row in the Publication of proposed Civil Marriage Entry Register vide Folio 0069, Certificate No: 267 of Petite Riviere Civil Status Office.*

The said act was of a nature to cause prejudice.

COUNT II

*That on or about the 30th day of November in the year 2005 at the place aforesaid, the said **ABOO BAKAR SIDICK NOORMAMODE**, did whilst being a public officer who, in drawing up a writing in the discharge of his duty, wilfully, unlawfully and fraudulently alter its particulars by stating a false fact as true, to wit: by inserting the age of Mr Kounal Poorun as “18” years instead of “20” years in the ‘Husband/Epoux’ row in the Civil Marriage Entry Register of Petite Riviere Civil Status Office vide Folio 0091, Certificate No: 191*

The said act was of a nature to cause prejudice.

COUNT III

*That on or about the 30th day of November in the year 2005 at the place aforesaid, the said **ABOO BAKAR SIDICK NOORMAMODE**, did whilst being a public officer who, in drawing up a writing in the discharge of his duty, wilfully, unlawfully and fraudulently alter its particulars by stating a false fact as true, to wit: by inserting the date of birth of Miss Marie Ronna Olivia Vulcain as “3/1/89” instead of “3/1/90” in the ‘wife/Epouse’ row in the Civil Marriage Entry Register of Petite Riviere Civil Status*

Office vide Folio 0091, Certificate No: 191.

The said act was of a nature to cause prejudice.

COUNT IV

*That on or about the 30th day of November in the year 2005 at the place aforesaid, the said **ABOO BAKAR SIDICK NOORMAMODE**, did whilst being a public officer who, in drawing up a writing in the discharge of his duty, wilfully, unlawfully and fraudulently alter its particulars by stating a false fact as true, to wit: by inserting the age of Miss Marie Ronna Olivia Vulcain as “16” years instead of “15” years in the ‘wife/Epouse’ row in the Civil Marriage Entry Register of Petite Riviere Civil Status Office vide Folio 0091, Certificate No: 191.*

The said act was of a nature to cause prejudice.

COUNT V

***THAT** in or about the month of December 2005 at the place aforesaid, the said **ABOO BAKAR SIDICK NOORMAMODE** did whilst being a public official, wilfully, unlawfully and criminally, make use of his position for a gratification for himself.*

PARTICULARS OF THE CHARGE

*On the aforesaid date and place, the said **Aboo Bakar Sidick Noormamode**, whilst being a Civil Status Officer obtained sum of Rs 1,500/- from Mrs Pushmawtee Vulcain, Born Narkoo for the publication and registration of the Civil Marriage of her daughter Mrs Marie Ronna Olivia Poorun, Born Vulcain with Mr Kounal Poorun.*

1. **TRAFIC D'INFLUENCE.**

Breach of section 10(4) and 83 of the Prevention of Corruption Act 2002.

2. **PUBLIC OFFICIAL USING POSITION FOR GRATIFICATION**

Breach of Section: 7(1) of the Prevention of Corruption Act 2002

*THAT on or about the 4th day of March 2009 at Forest Side in the District of Upper Plaine Wilhems one **LALLDEO MOOSANAH**, alias Gowtan, 37 yrs, Driver at CMT, Phoenix and residing at Clavet, Sebastopol, did wilfully, unlawfully and criminally obtain a gratification from any other person for himself in order to make use of his real influence to obtain a benefit from a public body.*

PARTICULARS

*On the aforesaid date and place the said **Laldeo Moosanah**, obtained sum of Rs 200/ for himself from one Suraj Moosanah to make use of his real influence for the obtention of a Test certificate from the National Transport Authority for Private car 1539 ZB 90 without it being physically examined.*

COUNT II

***THAT** on or about the 4th day of March 2009 at Vehicle Examination Centre, National Transport Authority, Forest Side in the District of Upper Plaine Wilhems one **DANESH DOWLOT**, 34 yrs, Vehicle Examiner and residing at 142 Morcellement Bassin, Quatre Bornes, did whilst being a public official, wilfully, unlawfully and criminally, make use of his position for a gratification for another person.*

PARTICULARS

On the aforesaid date and place, the said Danesh Dowlot whilst being a Vehicle Examiner, filled in a 'Vehicle Examination Report' in respect of private car 1539 ZB 90 without any physical inspection, for the issue of a certificate of fitness in respect of the

		said vehicle.	
72	313/10	<p><u>BRIBERY BY PUBLIC OFFICIAL</u></p> <p><i>Breach of Section 4(1) (a) (2) of the Prevention of Corruption Act 2002</i></p> <p><i>THAT on or about the 15th day of May 2009 Royal Road, Constance, in the District of Flacq, one BHYE MAMED SEEDEER, 47 yrs, Road Transport Inspector at NTA and residing at Mosque Road, Brisee Verdiere, did whilst being a public official, wilfully, unlawfully and criminally, solicit from another person for himself a gratification for abstaining from doing an act in the execution of his duties.</i></p> <p><u>PARTICULARS</u></p> <p><i>On or about the date and place aforesaid, the said Bhye Mamed Seedeer, whilst being a Road Transport Inspector, solicited sum of Rs 200/- from one Junardutt Doongur in order not to book latter for a Road Traffic Offence.</i></p>	
76	376/10	<p><u>LIMITATION OF PAYMENT IN CASH</u> (7 counts)</p> <p><i>Breach of Section 5(1) & 8(1) (a) of The Financial Intelligence and Anti Money Laundering Act.</i></p> <p><i>THAT on or about the 25th day of June 2002 at the Bank of Baroda, Vacoas Branch, in the District of Plaine Wilhems, one Mrs BIBI SAIDA RYMANSOIB, born Boodhun, aged 48 years, housewife and residing at No. 665 La Marie Road, Vacoas, did wilfully, unlawfully and criminally make a payment in cash in excess of 350,000 rupees.</i></p> <p><u>PARTICULARS</u></p> <p><i>On the aforesaid date and place, the said Mrs Bibi Saida Rymansaib, credited to her bank account No. 0201009864 sum of Rs 664,200.</i></p> <p><u>COUNT II</u></p>	<p>PF(P) 19.04.10</p>

***THAT** on or about the 12th day of July 2002 at the Bank of Baroda, Vacoas Branch, in the District of Plaine Wilhems, the said **Mrs BIBI SAIDA RYMANSAIB**, born Boodhun, did wilfully, unlawfully and criminally make a payment in cash in excess of 350,000 rupees.*

PARTICULARS

On the aforesaid date and place, the said Mrs Bibi Saida Rymansaib, credited to her bank account No. 0201009864 sum of Rs 456,500.

COUNT III

***THAT** on or about the 29th day of January 2003 at the Bank of Baroda, Vacoas Branch, in the District of Plaine Wilhems, the said **Mrs BIBI SAIDA RYMANSAIB**, born Boodhun, did wilfully, unlawfully and criminally make a payment in cash in excess of 350,000 rupees.*

PARTICULARS

On the aforesaid date and place, the said Mrs Bibi Saida Rymansaib, credited to her bank account No. 0201009864 sum of Rs 456,500.

COUNT IV

***THAT** on or about the 6th day of June 2003 at the Bank of Baroda, Vacoas Branch, in the District of Plaine Wilhems, the said **Mrs BIBI SAIDA RYMANSAIB**, born Boodhun, did wilfully, unlawfully and criminally make a payment in cash in excess of 350,000 rupees.*

PARTICULARS

On the aforesaid date and place, the said Mrs Bibi Saida Rymansaib, credited to her bank account No. 0201009864 sum of Rs 446,000.

COUNT V

THAT on or about the 4th day of July 2003 at the Bank of Baroda, Vacoas Branch, in the District of Plaine Wilhems, the said ***Mrs BIBI SAIDA RYMANSAIB***, born Boodhun, did wilfully, unlawfully and criminally make a payment in cash in excess of 350,000 rupees.

PARTICULARS

On the aforesaid date and place, the said Mrs Bibi Saida Rymansaib, credited to her bank account No. 0201009864 sum of Rs 475,200.

COUNT VI

THAT on or about the 16th day of January 2004 at the Bank of Baroda, Vacoas Branch, in the District of Plaine Wilhems, the said ***Mrs BIBI SAIDA RYMANSAIB***, born Boodhun, did wilfully, unlawfully and criminally make a payment in cash in excess of 350,000 rupees.

PARTICULARS

On the aforesaid date and place, the said Mrs Bibi Saida Rymansaib, credited to her bank account No. 0201009864 sum of Rs 462,000.

COUNT VII

THAT on or about the 27th day of April 2004 at the Bank of Baroda, Vacoas Branch, in the District of Plaine Wilhems, the said ***Mrs BIBI SAIDA RYMANSAIB***, born Boodhun, did wilfully, unlawfully and criminally make a payment in cash in excess of 350,000 rupees.

PARTICULARS

On the aforesaid date and place, the said Mrs Bibi Saida Rymansaib, credited to her bank account No. 0201009864 sum of Rs 714,900.



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