

**RAMGOOLAM N. (DR.) (GCSK) v THE FINANCIAL CRIMES COMMISSION**

**2024 SCJ 497**

**Serial Number 1032/2024**

**In Chambers**

**THE SUPREME COURT OF MAURITIUS**

**In the matter of:-**

**Dr. Navinchandra Ramgoolam, GCSK**

**Applicant**

**v**

**The Financial Crimes Commission**

**Respondent**

**In the presence of:**

**Mauritius Commercial Bank Limited**

**Co-Respondent**

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**JUDGMENT**

By way of praecipe and affidavit both dated 30<sup>th</sup> October 2024, the applicant is praying for an order to allow him as sole signatory to operate account bearing number 000441726817 held with the Mauritius Commercial Bank Limited, the co-respondent in the present matter.

In his affidavit, the applicant has averred that there was an *ex parte* application for a Restraining Order on 15<sup>th</sup> May 2015, restraining any withdrawal from account bearing number 000441726817 which was opened for the benefit of the Mauritius Labour Party by the late Treasurer of the Party and himself.

The Restraining Order granted on 15<sup>th</sup> May 2015 was renewed on two subsequent occasions. The said Order lapsed in 2018.

The applicant also averred that with the demise of the Treasurer in 2019, he is now the sole signatory for this account and that there are no criminal proceedings against him in relation to this account.

The respondent resisted the present application and an affidavit was filed. In its affidavit dated 6<sup>th</sup> November 2024, the respondent averred that the present application has no '*raison d'être*' inasmuch as the applicant's averment that the said account has been frozen is erroneous. The respondent also averred that there is an ongoing criminal investigation related to that account.

The co-respondent is abiding by my decision.

Learned Senior Counsel for the applicant, Mr. Glover, submitted that in the light of the respondent's affidavit, it is clear that the applicant should be given access to the funds in the account bearing number 000441726817 because there is no Restraining Order in force as at today. The Restraining Order granted on 15<sup>th</sup> May 2015 was lastly renewed on 12<sup>th</sup> May 2017 and has lapsed on 11<sup>th</sup> May 2018.

Learned Counsel for the respondent, Mr. Roopchand, submitted that as at date, there is no Restraining Order in relation to the account bearing number 000441726817 and in these circumstances, the present application has no '*raison d'être*'. He added that this application should have been directed against the co-respondent only.

Mr. Glover, SC added that this application has been directed against the respondent in order to comfort the co-respondent that there is no legal impediment for the applicant to operate account bearing number 000441726817 held at the Mauritius Commercial Bank Limited.

I note that in the applicant's affidavit, there is no averment to the effect that the co-respondent has disallowed the applicant to operate this account after 11<sup>th</sup> May 2018, date on which the Restraining Order lapsed.

I also note that it is not disputed that with the demise of the Treasurer in 2019, the applicant is now the sole signatory for this account.

Further, it is not disputed that there are no criminal proceedings against the applicant in relation to this account.

In the light of the affidavit evidence before me and the above observations, I hold that there is indeed no legal impediment to the co-respondent giving full access to the applicant, as the sole signatory of account bearing number 000441726817, to operate the said account held with it inasmuch as there is no valid Restraining Order in force in relation to that account and no criminal proceedings, whatsoever, against the applicant in relation to the said account.

I therefore order that the applicant be allowed to operate account bearing number 000441726817 held at the Mauritius Commercial Bank Limited forthwith without any interference or hindrance.

I make no order as to costs.

**S.B.A. Hamuth-Laulloo**  
**Judge**

**06<sup>th</sup> November 2024**

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**For Applicant:      Mr. A.O. Jankee, Attorney at Law**  
**Mr. G.Glover, SC**

**For Respondent:    Ms. B.M. Chatoo, Attorney at Law**  
**Mr. M. Roopchand, of Counsel**

**Co-Respondent abiding**