

**IN THE SUPREME COURT OF SEYCHELLES**

**THE REPUBLIC**

**VS.**

**1. STEPHEN SCHOLES**

**TERRENCE STEWART**

Criminal Side No. 46 of 2009

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Mr. Esparon standing in for

Mr. Govinden, the Attorney General for the Republic

Mr. Hoareau for the 1<sup>st</sup> Accused

Mr. Elizabeth for the 2<sup>nd</sup> Accused

**ORDER**

**Gaswaga, J**

Having convicted both accused persons on their own plea of guilty on count 9 of “Uttering a false document contrary to section 339 read with section 23 and punishable under section 339 of the Penal Code” whose particulars are that “Stephen Scholes and Terence Stewart with common intention on the 4<sup>th</sup> of September, 2009, at Victoria, Mahe, knowingly and fraudulently uttered a false document to Barclays Bank, namely an agreement between GESTION GUPO GUARDIAN S.L and FAST TRADING GROUP dated the 27<sup>th</sup> of April, 2009 purporting to offer a credit line of USD 900 million”, and sentenced each one of

them to a fine of USD 225, 000, in default to serve six (6) months in prison, I hereby make the following orders:

- (1) That the said total fine of USD450, 000/- be paid into Court by the receiver (appointed by the Court in an order dated 11<sup>th</sup> November, 2009) out of the sum of USD868, 553.09, currently being held by Barclays Bank (Seychelles) in account number 7669264 in the name of Guardian Environmental Holdings Limited.
- (2) That as agreed and authorized by the accused persons, the said receiver transfers the balance of the monies thereof to the account of Mr. Elizabeth, the second accused's lawyer.
- (3) That pursuant to Section 33 of the Anti-Money Laundering Act 2006 as amended by the Anti-Money Laundering (Amendment) Act 2008 the laptop currently in the hands of the Financial Intelligence Unit (FIU) be and is hereby forfeited to the state. However, the Financial Intelligence Unit (FIU) is to provide a mirror image thereof to the second accused person.
- (4) That upon the said fine being paid into the Court:
  - (i) The Registrar of the Supreme Court is to return the accused persons passports immediately. The other items also confiscated from the accused persons by the FIU are to be returned to the accused.
  - (ii) Mr. Liam Hogan, the appointed receiver herein and the restraint order of 11<sup>th</sup> November, 2009 issued under section 27 of the Anti-Money Laundering

Act 2006 as amended by the Anti-Money Laundering (Amendment) Act 2008 emanating from the miscellaneous proceedings hereof shall be discharged pursuant to section 27(5) and (6) of the said Act and the accused persons will be set free.

It is accordingly ordered.

**D. GASWAGA**

**JUDGE**

Dated this 7<sup>th</sup> day of December, 2009.