

**THE REPUBLIC OF SEYCHELLES**

**IN THE SUPREME COURT OF SEYCHELLES HOLDEN AT VICTORIA**

**Miscellaneous Cause No. 33 of 2012**

The Financial Intelligence Unit=====Applicant

versus

Guardian Offshore Inc=====Respondent No.1

Barclays Bank (Seychelles) Limited=====Respondent No.2

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*Barry Galvin for Applicant*

*Respondent No.1 Unrepresented*

*Sabino Divino for Respondent No.2*

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**INTERLUCTORY ORDER**

**Egonda-Ntende CJ**

1. The applicant is seeking an interlocutory order pursuant to section 4 of the Proceeds of Crime (Civil Confiscation) Act prohibiting the respondents or any person who has notice of the order from disposing of or dealing with or diminishing in value the sums of money, hereinafter referred to as specified property, held in the respondent no.1's account with the respondent no.2, Barclays Bank (Seychelles) Ltd. The application is brought by way of notice of motion and supported by an affidavit sworn by Mr Hogan, Deputy Director, of the applicant. The applicant is a statutory body. The respondent no.1 is a company incorporated as international company under the laws of British Virgin Islands. The respondent no.2 is a commercial bank incorporated in Seychelles.

2. The applicant seeks a further order under section 8 of POCA, and that is the appointment of Mr Liam Hogan as a Receiver of the specified property to hold the same until further orders of this court. Much as the respondent no.1 was served with a copy of this application it did not turn up for the hearing of the same. The hearing proceeded in its absence. The respondent no.2 appeared but took no stance at all with regard to this application.
3. The main ground for this application is that the respondents are in possession or control of specified property that constitutes directly or indirectly, benefit from criminal conduct, or was acquired in whole or in part with or in connection with property that is directly or indirectly, constitutes benefit from criminal conduct. And that such property is in excess of R50,000.00.
4. Barclays Bank (Seychelles) Ltd, has received, according to the documents annexed to Mr Hogan's affidavit an email complaint from one Brian Faust that he was the victim of an illegal boiler room scam perpetrated by the respondent no.1, leading to the payment by Faust of some money into the respondent no.1's account with the respondent no.2. Mr Hogan believes that transfer of such funds to Seychelles amounts to committing the crime of money laundering in Seychelles.
5. I have examined the documentary evidence annexed to Mr Hogan's affidavit. I am satisfied that this information, of course, together with the unchallenged evidence by Mr Hogan that there are reasonable grounds at this stage to suspect that the specified property constitutes directly or indirectly, benefit from criminal conduct, or was acquired in whole or in part with or in connection with property that is directly or indirectly, constitutes benefit from criminal conduct.
6. I therefore allow this application and issue an interlocutory order prohibiting

the disposal of, dealing with or diminishing in value of the specified property. I further appoint Mr Liam Hogan to be the Receiver of the said specified property and to hold the same in an interest bearing account in Barclays Bank (Seychelles) Ltd until further orders of this court. Costs of these proceedings will abide the final outcome of the proceedings in relation to the specified property in this matter.

Signed, dated and delivered at Victoria this 31<sup>st</sup> day of January 2013

FMS Egonda-Ntende

**Chief Justice**