

SUPREME COURT OF SEYCHELLES

	<u>Reportable</u> [2024] CO 04/2022
In the matter between:	
THE REPUBLIC <i>(rep. by S Powles)</i>	Republic
and	
MUKESH VALABHJI <i>(rep. by J Lewis and ors)</i>	1st Accused
LAURA VALABHJI <i>(re. by R Scott and ors)</i>	2nd Accused
LESLIE BENOITON <i>(rep. by B Hoareau)</i>	3rd Accused
LEOPOLD PAYET <i>(rep. by J Camille)</i>	4th Accused
FRANK MARIE <i>(rep. by J Camille)</i>	5th Accused

Neutral Citation: *The Republic v Valabhji & Ors* (CO 04/2022) [2024] (March 2024)
Summary: Application for moveable property to be released
Before: Govinden CJ
Heard: Written Submission
Delivered: 3 April 2024

RULING

GOVINDEN CJ

[1] Learned Counsel for the 1st and 2nd accused, hereinafter also referred to as the 1st and 2nd Applicants, have through a joint motion applied to this Court for the release of their clients' moveable properties, situated at their premises at Morne Blanc, Mahe. The application is supported by an affidavit filed by Mr Zaiwalla in which specific reference is made to

certain identifiable assets, situated there, as evidenced on photographs annexed to the application.

- [2] Learned Senior Counsel for the Republic has stated that he has no objections to the application, except for two safes found at the premises, which he stated should be kept there, due to their relevance to this case. Counsel leaves the issue of the 1st applicant's demand subject to this Court's decision, given the Restraint Order issued by Carolus J on the 31st of March 2023, made in CR114 of 2021.
- [3] Counsel representing the Anti-Corruption Commission of Seychelles ('ACCS') has in principle no objections to the 1st and 2nd accused having access to their personal effects, such as medication and clothing. With regards to assets belonging to or jointly owned by the 1st accused, which consist of realizable property, she argues that this is subject to the said Restraint Order, which has to be varied before any further orders are made. At any rate, she stated that there would be a need for an inventory to be done to ensure that such assets are not disposed of.
- [4] The Court has ordered for an inventory to be done. This was effected and a list of moveable property found at the said premises was filed by Learned Counsel for the Republic in this case. This list is attached herewith as A1. The Counsel has also informed the Court that a list of seized valuable items and the photographs referred to in A1 would be made available to this Court. The said photographs has been made available on a pen drive to the court.
- [5] Having considered all the issues arising before the Court and the position of the parties, I therefore order that all the movable property found in the house of the 1st and 2nd accused which appears on A1, which is the property of the 2nd accused shall be given into her possession.
- [6] The 1st accused shall be given his clothes, medications and personal effects. He shall also be given his moveable property that are not the subject matter of the Restraint Order made by Carolus J on the 31st of March 2023 in CR 114 of 2021. Any disputes as to what is and what is not the realizable property wholly or jointly owned by the 1st accused, found at the

said premises, have to be decided by the court that imposed the Restraining Order in the first place.

- [7] Any property removed by the accused shall be effected under supervision of the representative(s) of the Republic and has to be properly inventoried. A copy of the inventory shall be made available to this Court.
- [8] The Commissioner of Police and the ACCS shall give all necessary assistance in order to facilitate the execution of this order.
- [9] The Commissioner of Prison, Mr Raymond St Ange shall facilitate the execution of this order by allowing the 1st and 2nd accused to be at their premises for the purpose of them taking possession of their moveable.

Signed, dated and delivered at Ile du Port on the 3rd of April 2024



Govinden CJ