

IN THE SUPREME COURT OF SEYCHELLES

Civil Side: MC 45/2014

[2014] SCSC 194

THE ATTORNEY GENERAL

Petitioner

versus

CHANDLERS TRADING

(HEREIN REP BY THE MANAGING DIRECTOR MR. NELSON A. PILLAY)

Respondent

Heard: 2 June 2014
Counsel: Mr. Kumar for petitioner
Respondent – Not Available

Delivered: 2 June 2014

ORDER

Karunakaran J

[1] The Honorable Attorney General by a notice of motion dated the 30th of May 2014 has applied to this Court for a restraint order pursuant to Section 27 (4) (a) of the Anti-Money Laundering Act. The order is sought to restrain the amounts standing to credit in Chandlers Trading Limited Account No. 7506454 held at Barclays Bank, Victoria, Mahe, Seychelles.

- [2] I carefully considered the submission made by Learned State Counsel Mr. Kumar in this matter. I carefully perused the affidavit deposed by one Francois Bernard, a Forensic Auditor of the Fraud Unit, Seychelles Police Force, filed in support of this application. I diligently went through the other relevant documents annexed thereto. Having carefully considered all material facts and circumstances of the case, I am satisfied that;-
- (i) There are reasonable grounds to suspect that the money involved in this matter represents the proceeds of criminal conduct or may be related to money or property that is or represents the benefit from criminal conduct or proceeds of crime;
 - (ii) There are reasonable grounds to suspect that the money will constitute or assist in the commission of criminal conduct; and
 - (iii) An investigation by the Fraud Unit of Seychelles Police Force is still in progress.
- [3] Moreover, I am satisfied in terms of Section 26 (i) (b) of the Anti-Money Laundering Act that the proceedings are to be instituted against a person for criminal conduct in respect of which a pecuniary penalty order might be made under Part 5 of this Act.
- [4] In the circumstances, I find it just and necessary that a restrain order should be made in terms of Section 27 of the Anti-Money Laundering Act. Accordingly, I hereby make a restrain order prohibiting any person in dealing with the funds standing to credit in Chandlers Trading Ltd Account No. 7506454 held at Barclays Bank Seychelles. Further, I direct the Barclays Bank Seychelles not to allow or entertain any transaction in respect of this account at the request of the account holder or of any other person for that matter. This order shall continue to be in force until further order of this Court to vary or amend or cancel or discharge this order made herein.
- [5] In the interest of justice, I direct the Registrar of the Supreme Court to serve a copy of the notice of motion with the affidavit of Francois Bernard and a copy of this order on the Director of Chandlers Trading namely, Mr. Nelson Aubrey Pillay of Neverland Building, Providence, Mahe.

[6] Further I direct the Registrar of the Supreme Court to intimate this order forthwith to the Barclays Bank Seychelles at the earliest. The matter remains adjourns sine die.

Signed, dated and delivered at Ile du Port on 2 June 2014

D Karunakaran
Acting Chief Justice