

REPUBLIC OF MAURITIUS  
INFORMATION UPON OATH <sup>SAH</sup>

Cause No. 6454/2015

CHARGE OF :- FRAUDULENT USE OF COMPANY PROPERTY

IN BREACH OF SECTION 333 (a) OF COMPANIES ACT 2001

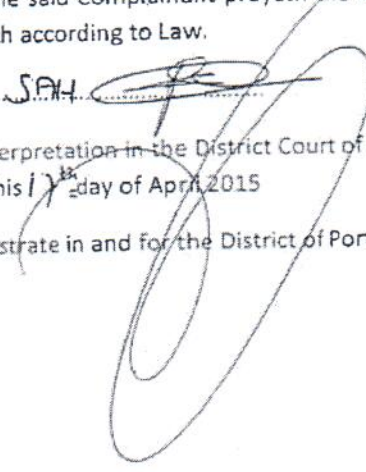
OB232/15CCID

BEFORE THE DISTRICT COURT OF PORT LOUIS

Insp. Sandorom.....of the said District Maketh SAH.....and Saith as follows :-

That between September 2011 to date Mr. RAWAT Dawood Ajum of aged 71 years, Director, residing at La Vignac Street, Floreal, ultimate beneficial owner and controller of BAI Group as well as Chairman of KLAD Investment Corporation Ltd, a company incorporated in Bahamas and Seaton Investment Ltd did knowingly, willfully, unlawfully and fraudulently takes property of the above-mentioned companies for his own use or benefit other than the use or purpose of the company, to wit: Mr RAWAT Dawood Ajum gave instructions to Directors and CEOs of subsidiaries of BAI co. (Mauritius) Ltd and Bramer Banking Corporation Ltd to transfer and/or wire sum of over 6 Billion Rupees in different transactions which represents property of the companies derived from Investment made by policy holders in the mentioned companies for his own use or benefit other than the use or purpose of the company. The transactions were effected through Bramer Banking Corporation and went in his personal bank account based locally and internationally in Breach of Section 333 (a) of the Companies Act 2001

Wherefore the said Complainant prayeth the Court that the said accused be brought before it and dealt with according to Law.

Taken and SAH 

After due interpretation in the District Court of Port Louis before me the undersigned Magistrate this 7<sup>th</sup> day of April 2015

District Magistrate in and for the District of Port Louis.

Proceeding in the District Court of *PLD*

the *17<sup>th</sup>* day of *April 2015*

Before Mr. District Magistrate

*Fine is 13.40ms*

~~Information read over to the accused~~

*AA*

~~The accused plead~~

*Fines Insp. Wadawan P*

~~Counsel for Complainant~~

*Usher: M. Chappu P*

~~Counsel for Accused~~

*Fines notes that 1st information be silent*

~~Witness for prosecution~~

*as it is defective - NG.*

~~1st~~ *info is actually silent.*

*AA*

PROVISIONAL

REPUBLIC OF MAURITIUS  
INFORMATION UPON <sup>SAH</sup>OATH

Cause No. 6455...../2015

CHARGE OF :-CONSPIRACY

In Breach of Section 109 of the Criminal Code Supplementary Act coupled with Section 333 (a) of the Companies Act 2001.

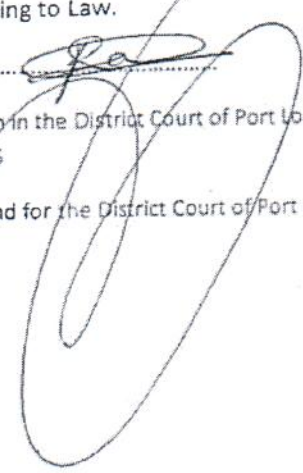
OB232/15CCID

BEFORE THE DISTRICT COURT OF PORT LOUIS

Insp. Sanderson.....of the said District Maketh .....SAH.....and Saith as follows :-

That between September 2011 to date Mr. RAWAT Dawood Ajum of aged 71 years, Director, residing at La Vignac Street, Floreal ultimate beneficial owner and controller of BAI Group as well as Chairman of KLAD investment Corporation Ltd, a company incorporated in Bahamas and Seaton Investment Ltd did criminally, knowingly, wilfully and unlawfully agreed with other persons to do an act which is unlawful, to wit: the said Mr RAWAT Dawood Ajum agreed with other Directors and CEOs involved in the control and management of subsidiaries of BAI Co. (Mauritius) Ltd and Bramer Banking Corporation Ltd to defraud sum of over 6 Billion Rupees in different transactions to the prejudice of policy holders and other investors of the various companies named above. The money defrauded has been transferred and/or wired into the personal bank accounts of Mr RAWAT Dawood Ajum and his close relatives locally and abroad through Bramer Banking Corporation Ltd in Breach of Section 109 of the Criminal Code Supplementary Act coupled with Section 333 (a) of the Companies Act 2001.

Wherefore the said Complainant prayeth the Court that the said accused be brought before it and dealt with according to Law.

Taken and .....SAH.....

After due interpretation in the District Court of Port Louis before me the undersigned Magistrate this  
17<sup>th</sup> day of April of 2015

District Magistrate in and for the District Court of Port Louis.

IN THE DISTRICT COURT OF PORT LOUIS (DIVISION III)

Cause Number: 6455/2015

In the matter of:

**POLICE v DAWOOD AJUM RAWAT**

**Ruling**

The accused is charged under one count of a provisional information with having between September 2011 to date, criminally, knowingly, wilfully, and unlawfully agreed with other persons to do an act which is unlawful, to wit, the accused has allegedly agreed with other Directors and CEO's involved in the control and management of subsidiaries of BAI Co. (Mauritius) Ltd and Bramer Banking Corporation Ltd to defraud the sum of over Rs.6 billion in different transactions to the prejudice of policy holders and other investors of the various companies named above; the money allegedly defrauded has been transferred and/or wired into the personal bank accounts of the accused and his close relatives locally and abroad through Bramer Banking Corporation Ltd, in breach of Section 109 of the Criminal Code (Supplementary) Act coupled with Section 333 (a) of the Companies Act 2001.

The evidence adduced by the prosecution found in the testimony of CI Jeagoo of the CCID is to the effect that the accused has left Mauritius for the United Kingdom on 11 March 2015 and his probable date of return is unknown as per the memo from the Passport and Immigration Office (Doc A) produced. The presence of the accused is required for enquiry and in that respect three provisional charges, namely conspiracy, money laundering, and fraudulent use of company property have been lodged.

The Prosecutor moved this Court to issue a warrant of arrest against the accused.

The motion of the prosecution is not granted for the following reasons:

- (1) The concept of 'provisional information' is very peculiar and unique to the Mauritian context and its distinctive features are that it is fundamentally a process to bring a suspect before Court.<sup>1</sup> There is no statutory provision regarding the lodging of a

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<sup>1</sup> Mootoosamy v The Queen [1981 SCJ 432]

provisional information and such an information is lodged when a suspect is arrested or is brought into custody. The purpose of a provisional charge is to *'bring the detention of the individual under judicial supervision and control so as to prevent an administrative detention and to enable a judicial authority to decide whether the detainee should be released on bail or not and, if not, for how long he should be detained.....'*<sup>2</sup>

- (2) The lodging of a provisional charge is the mechanism which exists to give effect to the provision of Section 5 of the Constitution, which requires the prosecuting authorities to bring a person arrested on reasonable suspicion of having committed a serious criminal offence before a Magistrate within the least possible delay, and to inform the court of the reason of the arrest of an individual. *'This is not merely a formality. The Court acts as arbiter between the executive and the citizen and, in such cases, may control the regularity of an arrest if the need for it arises.'*<sup>3</sup>

In the present matter, the accused is absent and there is no evidence before this Court that the accused has been arrested which would give rise to the lodging of a provisional information to bring the detention of the accused under judicial control.

In the light of the above and taking into account the reason and the purpose for which a provisional information is lodged, it can neither come into existence before the arrest of a suspect nor used as an instrument to effect such arrest. The provisional information lodged in the present matter is therefore struck out.



**A.HAMUTH (Miss)**  
**[Delivered by: A.HAMUTH (Miss), Senior District Magistrate]**  
**[Delivered on: 17 April 2015]**

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<sup>2</sup> DPP v IOIB [1989 MR 110]

<sup>3</sup> Alain Gordon-Gentil v State of Mauritius [1995 SCJ 118]

REPUBLIC OF MAURITIUS  
INFORMATION UPON OATH

Cause No. 6458/2015

CHARGE OF :- FRAUDULENT USE OF COMPANY PROPERTY  
IN BREACH OF SECTION 333 (a) OF COMPANIES ACT 2001

OB232/15CCID

BEFORE THE DISTRICT COURT OF PORT LOUIS

Insp. Sanderson of the said District Maketh SAH and Saith as follows :-

That between September 2011 to date Mr. RAWAT Dawood Ajum of aged 71 years, Director, residing at La Vignac Street, Floreal, ultimate beneficial owner and controller of BAI Group as well as Chairman of KLAD Investment Corporation Ltd, a company incorporated in Bahamas and Seaton Investment Ltd did knowingly, willfully, unlawfully and fraudulently takes property of the above-mentioned companies for his own use or benefit other than the use or purpose of the company, to wit: Mr RAWAT Dawood Ajum gave instructions to Directors and CEOs of subsidiaries of BAI co. (Mauritius) Ltd and Bramer Banking Corporation Ltd to transfer and/or wire sum of over 6 Billion Rupees in different transactions which represents property of the companies derived from Investment made by policy holders in the mentioned companies for his own use or benefit other than the use or purpose of the company. The transactions were effected through Bramer Banking Corporation and went in his personal bank account based locally and internationally in Breach of Section 333 (a) of the Companies Act 2001

Wherefore the said Complainant prayeth the Court that the said accused be brought before it and dealt with according to Law.

Taken and SAH

After due interpretation in the District Court of Port Louis before me the undersigned Magistrate this 17<sup>th</sup> day of April 2015

District Magistrate in and for the District of Port Louis

Proceeding in the District Court of *PLS*

the *17<sup>K</sup>* day of *April* *2015*

Before Mr. District Magistrate

Information read over to the accused

*Time is 13.40hrs*

The accused plead

*Not Guilty - NG*

*AA*

Counsel for Complainant

*Amos Insp. Sanderson P*

~~Counsel for Accused~~

Witness for prosecution

*Amos notes that complainant be stated as*

*it is detective - NG.*

*Information is accordingly stated.*

## PROVISIONAL

REPUBLIC OF MAURITIUS  
INFORMATION UPON ...SAH...

Cause No. ...6466...../2015

232/2015 CCID

CHARGE OF:- FRAUDULENT USE OF COMPANY PROPERTY  
*Breach of Section 333(a) of Companies Act 2001*BEFORE THE DISTRICT COURT OF PORT LOUIS .

Insp. Sandaram..... of said District Maketh ...SAH... and Saith as follows:-

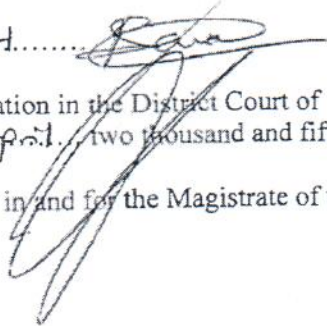
That on or between September 2011 to date Mr. RAWAT Dawood Ajum of aged 71 years, Director, residing at La Vignac Street, Floreal, ultimate beneficial owner and controller of BAI Group as well as Chairman of KLAD Investment Corporation Ltd, a company incorporated in Bahamas and Seaton Investment Ltd did knowingly, willfully, unlawfully and fraudulently take property of the above-mentioned companies for his own use or benefit other than the use or purpose of the company, to wit:- Mr. Rawat Dawood Ajum gave instructions to directors and CEO's of subsidiaries of BAI Co. (Mauritius) Ltd and Bramer Banking Corporation Ltd to transfer and/or wire sum of over 6 Billions Rupees in different transactions which represents property of the companies derived from investment made by policy holders in the mentioned companies for his own use or benefit other than the use or purpose of the company. The transactions were effected through Bramer Banking Corporation and went in his personal bank account based locally and internationally in breach of section 333(a) of the Companies Act 2001.

Wherefore the said Complainant prayeth the Court that the said accused be brought before it and dealt with according to Law

Taken and ...SAH..... 

After due interpretation in the District Court of Port Louis before me the undersigned Magistrate this .17th day of April, two thousand and fifteen.

District Magistrate in and for the Magistrate of the District of Port Louis.





Proceeding in the District Court of PLS)

the day of 17/04/15

Before Mr. District Magistrate Fine is 13.50rs


Information read over to the accused usha: nu. Chellaper P

The accused plead AA

Counsel for Complainant Pms Insp. Chandaram P

Counsel for Accused Pms nandam for a wia > A for various reasons

Witness for prosecution and on same grounds as for case no 655/15

cm 

Later 14.35rs,

usha: nu. Chellaper P

Pms Insp. Chandaram P

AA

Revis read out & read - case sent for reasons stated therein



IN THE DISTRICT COURT OF PORT LOUIS (DIVISION III)

Cause Number: 6466/2015

In the matter of:

POLICE v DAWOOD AJUM RAWAT

Ruling

The accused is charged under one count of a provisional information with having between September 2011 to date, knowingly, wilfully, unlawfully and fraudulently taken property of BAI Group, KLAD Investment Corporation Ltd and Seaton Investment Ltd for his own use and benefit other than the use or purpose of the company, in breach of Section 333 (a) of the Companies Act 2001.

The evidence adduced by the prosecution found in the testimony of CI Jeagoo of the CCID in case cause no. 6455/ 2015 is to the effect that the accused has left Mauritius for the United Kingdom on 11 March 2015 and his probable date of return is unknown as per the memo from the Passport and Immigration Office (Doc A) produced. The presence of the accused is required for enquiry and in that respect three provisional charges, namely conspiracy, money laundering, and fraudulent use of company property have been lodged.

The Prosecutor moved this Court to issue a warrant of arrest against the accused.

The motion of the prosecution is not granted for the following reasons:

- (1) The concept of 'provisional information' is very peculiar and unique to the Mauritian context and its distinctive features are that it is fundamentally a process to bring a suspect before Court.<sup>1</sup> There is no statutory provision regarding the lodging of a provisional information and such an information is lodged when a suspect is arrested or is brought into custody. The purpose of a provisional charge is to *'bring the detention of the individual under judicial supervision and control so as to prevent an administrative*

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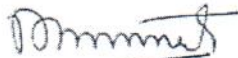
<sup>1</sup> Mootoosamy v The Queen [1981 SCJ 432]

*detention and to enable a judicial authority to decide whether the detainee should be released on bail or not and, if not, for how long he should be detained.....<sup>2</sup>*

- (2) The lodging of a provisional charge is the mechanism which exists to give effect to the provision of Section 5 of the Constitution, which requires the prosecuting authorities to bring a person arrested on reasonable suspicion of having committed a serious criminal offence before a Magistrate within the least possible delay, and to inform the court of the reason of the arrest of an individual. *'This is not merely a formality. The Court acts as arbiter between the executive and the citizen and, in such cases, may control the regularity of an arrest if the need for it arises.'*<sup>3</sup>

In the present matter, the accused is absent and there is no evidence before this Court that the accused has been arrested which would give rise to the lodging of a provisional information to bring the detention of the accused under judicial control.

In the light of the above and taking into account the reason and the purpose for which a provisional information is lodged, it can neither come into existence before the arrest of a suspect nor used as an instrument to effect such arrest. The provisional information lodged in the present matter is therefore struck out.



**A.HAMUTH (Miss)**  
**[Delivered by: A.HAMUTH (Miss), Senior District Magistrate]**  
**[Delivered on: 17 April 2015]**

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<sup>2</sup> DPP v IOIB [1989 MR 110]

<sup>3</sup> Alain Gordon-Gentil v State of Mauritius [1995 SCJ 118]

PROVISIONAL

REPUBLIC OF MAURITIUS

INFORMATION UPON OATH <sup>SAH</sup>

Cause No. 6467...../2015

**CHARGE OF : MONEY LAUNDERING**

Breach of section 3(1)(a) and 8(1)(a) of the Financial Intelligence and Anti-Money Laundering Act 2002.

OB232/15CCID

BEFORE THE DISTRICT COURT OF PORT LOUIS

Insp. Sandram of the said District Maketh <sup>SAH</sup> and Saith as follows :-

That between September 2011 to date Mr. RAWAT Dawood Ajum of aged 71 years, Director, residing at La Vignac Street, Floreal, ultimate beneficial owner and controller of BAI Group as well as Chairman of KLAD investment Corporation Ltd, a company incorporated in Bahamas and Seaton Investment Ltd did criminally, knowingly, wilfully and unlawfully engaged in various transactions that involve property which was in part directly or indirectly represent the proceeds of crime to wit : Mr. RAWAT Dawood Ajum gave instructions to Directors and CEOs of subsidiaries of BAI Co. (Mauritius) Ltd and Bramer Banking Corporation Ltd to transfer and/or wire money in the tune of over 6 Billion Rupees in different transactions by defrauding the above mentioned companies to the prejudice of policy holders and other investors.

Wherefore the said Complainant prayeth the Court that the said accused be brought before it and dealt with according to Law.

Taken and <sup>SAH</sup>

After due interpretation in the District Court of Port Louis before me the undersigned Magistrate

This 17<sup>th</sup> day of April 2015

District Magistrate in and for the District of Port Louis

IN THE DISTRICT COURT OF PORT LOUIS (DIVISION III)

Cause Number: 6467/2015

In the matter of:

**POLICE v DAWOOD AJUM RAWAT**

Ruling

The accused is charged under one count of a provisional information with having between September 2011 to date, criminally, knowingly, wilfully, unlawfully engaged in various transactions that involve property which in part, directly, or indirectly represent the proceeds of crime, in breach of Sections 3(1)(a) and 8 (1)(a) of the Financial Intelligence and Anti-Money Laundering Act 2002.

The evidence adduced by the prosecution found in the testimony of CI Jeagoo of the CCID in case cause no. 6455/ 2015 is to the effect that the accused has left Mauritius for the United Kingdom on 11 March 2015 and his probable date of return is unknown as per the memo from the Passport and Immigration Office (Doc A) produced. The presence of the accused is required for enquiry and in that respect three provisional charges, namely conspiracy, money laundering, and fraudulent use of company property have been lodged.

The Prosecutor moved this Court to issue a warrant of arrest against the accused.

The motion of the prosecution is not granted for the following reasons:

- (1) The concept of 'provisional information' is very peculiar and unique to the Mauritian context and its distinctive features are that it is fundamentally a process to bring a suspect before Court.<sup>1</sup> There is no statutory provision regarding the lodging of a provisional information and such an information is lodged when a suspect is arrested or is brought into custody. The purpose of a provisional charge is to '*bring the detention of the individual under judicial supervision and control so as to prevent an administrative*



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<sup>1</sup> Mootoosamy v The Queen [1981 SCJ 432]

*detention and to enable a judicial authority to decide whether the detainee should be released on bail or not and, if not, for how long he should be detained.....*<sup>2</sup>

- (2) The lodging of a provisional charge is the mechanism which exists to give effect to the provision of Section 5 of the Constitution, which requires the prosecuting authorities to bring a person arrested on reasonable suspicion of having committed a serious criminal offence before a Magistrate within the least possible delay, and to inform the court of the reason of the arrest of an individual. *'This is not merely a formality. The Court acts as arbiter between the executive and the citizen and, in such cases, may control the regularity of an arrest if the need for it arises.'*<sup>3</sup>

In the present matter, the accused is absent and there is no evidence before this Court that the accused has been arrested which would give rise to the lodging of a provisional information to bring the detention of the accused under judicial control.

In the light of the above and taking into account the reason and the purpose for which a provisional information is lodged, it can neither come into existence before the arrest of a suspect nor used as an instrument to effect such arrest. The provisional information lodged in the present matter is therefore struck out.



A.HAMUTH (Miss)

[Delivered by: A.HAMUTH (Miss), Senior District Magistrate]

[Delivered on: 17 April 2015]

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<sup>2</sup> DPP v IOIB [1989 MR 110]

<sup>3</sup> Alain Gordon-Gentil v State of Mauritius [1995 SCJ 118]