

IN THE HIGH COURT OF FIJI
AT LAUTOKA
CRIMINAL JURISDICTION

CRIMINAL CASE NO. HAM 013 OF 2010

BETWEEN: STATE

Applicant

AND:

ANAND KUMAR PRASAD s/o Alfred Shiri Prasad

1st Respondent

DEO NARAYAN s/o Ram Brij Singh

2nd Respondent

BHAGWATI d/o Ramji Lal

3rd Respondent

ARUN KUMAR PRASAD s/o Alfred Shiri Prasad

4th Respondent

SHIRLEY SANGEETA CHAND d/o Alfred S. Prasad

5th Respondent

REENAL PRANIL CHANDRA s/o Rajendra Chandra

6th Respondent

REENAL RAJNEIL CHANDRA s/o Rajendra Chandra

7th Respondent

ARTISHNA KIRTI

8th Respondent

RAJENDRA PRASAD UDIT MISHRA

9th Respondent

Date of Hearing: 9 and 15 April 2010
Date of Ruling: 15 April 2010

Counsel: D.P.P. (Mr A. Rayawa) with Ms S. Puamau for the State
Mr. H.A. Shah for 2nd, 5th and 7th Respondents
1st, 3rd, 4th, 6th, 8th and 9th Respondents in Person

RULING ON FORFEITURE APPLICATION

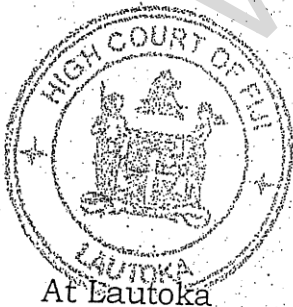
- [1] By Notice of Motion dated 6 April 2010, with an accompanying affidavit of D/Sgt 2344 Aiyaz Ali, the Director makes application for the issue of restraining orders in respect of 6 motor vehicles, the proceeds in a named Westpac bank account and certain real property located at Nadi.
- [2] The application is made pursuant to sections 34, 35, 37 and 44 of the Proceeds of Crime Act 1997 (The Act") and in reliance on the aforementioned affidavit of Sergeant Ali.
- [3] All of the respondents are accused persons before this Court in relation to criminal proceedings relating to fraud and consequent money laundering perpetrated against Turtle Island Resort.

[4] After reading the affidavit with its attached exhibits and hearing the parties, I am satisfied that all of the property sought to be restrained are "tainted property" in terms of the Act and I make restraining orders in respect of the following properties:

- i. a silver coloured Toyota Liteace motor vehicle registered number FF 171 registered in the name of the first respondent and held in the custody of the Lautoka Police.
- ii. a brown coloured Toyota Hilux motor vehicle registered number EC 912 registered in the name of the first respondent and held in the custody of the Lautoka Police.
- iii. a green coloured Toyota Hilux motor vehicle registered number EK 997 registered in the name of the second respondent and held in the custody of the Lautoka Police.
- iv. a Honda CRV motor vehicle registered number EK 444 registered in the name of the first respondent and held in the custody of the Lautoka Police.

- v. a metallic blue Nissan Sunny motor vehicle registered number FB 384 registered in the name of the 3rd respondent and held in the custody of the Lautoka Police.
- vi. a Toyota Corolla motor vehicle registered number FH 079 registered in the name of the 5th respondent and currently in her possession.
- vii. The sum of \$5,191.01 in the Westpac Bank, account number 9800992944 in the name of the 4th respondent.
- viii. real property located at Lot 18, Savunawai, Nadi being all that land contained in Native Lease No. 26130 registered in the name of the 9th respondent but under the effective control of the 1st respondent.

So ordered.



15 April 2010

A handwritten signature in cursive script, appearing to read "Paul K. Madigan".

Paul K. Madigan

Judge