

**IN THE HIGH COURT OF FIJI
AT LAUTOKA
CRIMINAL JURISDICTION**

CRIMINAL CASE NO. 024 OF 2010

STATE

V

1. **ANAND KUMAR PRASAD f/n Alfred Shiri Prasad**
2. **REENAL PRANEEL CHANDRA f/n Rajendra Chandra**
3. **REENAL RAJNEIL CHANDRA f/n Rajendra Chandra**
4. **DEO NARAYAN SINGH f/n Ram Brij Singh**
5. **SHIRLEY SANGEETA CHAND f/n Alfred S. Prasad**
6. **ATISHMA KIRTI SINGH f/n Niranjan Singh**

Ms N. Tikoisuva and Mr. W. Pillay for the State

1st and 4th Accused in Person

2nd Accused absent

Mr. H.A. Shah for 3rd and 6th Accused

Mr. I. Khan for the 5th Accused

Date of Hearing : 28 - 31 March 2011 and 4 – 13 April 2011

Date of Judgment: 14 April 2011

JUDGMENT

[1] You were all charged with the following thirty three offences:

FIRST COUNT

Statement of Offence

CONSPIRACY TO COMMIT A FELONY NAMELY CAUSING THE PAYMENT OF MONEY BY VIRTUE OF FORGED INSTRUMENTS: Contrary to Section 385 and 345(a) of the Penal Code, Cap. 17.

Particulars of Offence

ANAND KUMAR PRASAD f/n Alfred Shiri Prasad, REENAL PRANEEL CHANDRA f/n Rajendra Chandra, REENAL RAJNEIL CHANDRA f/n Rajendra Chandra, DEO NARAYAN SINGH f/n Ram Brij Singh, SHIRLEY SANGEETA CHAND f/n Alfred Shiri Prasad & ATISHMA KIRTI SINGH f/n Niranjan Singh between the 1st day of April 2006 and the 31st day of December 2007, at Nadi in the Western Division, conspired to commit a felony namely to intentionally defraud SPOR Fiji Ltd t/a Turtle Island Resort by causing the payments of SPOR Fiji Ltd t/a Turtle Island Resort money to themselves to a total value of \$936 957.09 by virtue of forged

instruments knowing the same to have been forged.

SECOND COUNT

Statement of Offence

FORGERY: Contrary to Section 335(2)(a) of the Penal Code, Cap. 17.

Particulars of Offence

ANAND KUMAR PRASAD f/n Alfred Shiri Prasad between the 1st day of April 2006 to the 31st day of August 2006, at Nadi in the Western Division, with intent to defraud, forged ANZ cheque numbers 012131, 012480, 012559, 012566, 012574, 012588, 012602, 012667, 012674, 013444 belonging to SPOR Fiji Ltd t/a Turtle Island Lodge by forging the signature of RICHARD EVANSON and inserting the name ANAND KUMAR PRASAD as the payee of the said cheques.

THIRD COUNT

Statement of Offence

UTTERING OF FORGED DOCUMENTS: Contrary to Section 343(1) of the Penal Code, Cap. 17.

Particulars of Offence

ANAND KUMAR PRASAD f/n Alfred Shiri Prasad between the 1st day of April 2006 to the 31st day of August 2006, at Nadi in the Western Division, with knowledge and intent to defraud, uttered forged ANZ cheque numbers 012131, 012480, 012559, 012566, 012574, 012588, 012602, 012667, 012674, 013444 belonging to SPOR Fiji Ltd t/a Turtle Island Lodge.

FOURTH COUNT

Statement of Offence

OBTAINING MONEY BY VIRTUE OF FORGED DOCUMENTS: Contrary to Section 345(a) of the Penal Code, Cap. 17.

Particulars of Offence

ANAND KUMAR PRASAD f/n Alfred Shiri Prasad between the 1st day of April 2006 to the 31st day of August 2006, at Nadi in the Western Division, with intent to defraud, obtained the sum of \$104, 916.30 by virtue of forged ANZ cheque numbers 012131, 012480, 012559, 012566, 012574, 012588, 012602, 012667, 012674, 013444 belonging to SPOR Fiji Ltd t/a Turtle Island Lodge knowing the same to be forged.

FIFTH COUNT

Statement of Offence

FORGERY: Contrary to Section 335(2)(a) of the Penal Code, Cap. 17.

Particulars of Offence

ANAND KUMAR PRASAD f/n Alfred Shiri Prasad between the 1st day of August 2006 to the 31st day of December 2006, at Nadi in the Western Division, with intent to defraud, forged ANZ cheque numbers 012772, 012751, 012779, 012961, 013006 belonging to SPOR Fiji Ltd t/a Turtle Island Lodge by forging the signature of RICHARD EVANSON and inserting the name ANAND KUMAR PRASAD as the payee of the said cheques.

SIXTH COUNT

Statement of Offence

UTTERING OF FORGED DOCUMENTS: Contrary to Section 343(1) of the Penal Code, Cap. 17.

Particulars of Offence

ANAND KUMAR PRASAD f/n Alfred Shiri Prasad between the 1st day of August 2006 to the 31st day of December 2006, at Nadi in the Western Division, with knowledge and intent to defraud, uttered forged ANZ cheque numbers 012772, 012751, 012779, 012961, 013006 belonging to SPOR Fiji Ltd t/a Turtle Island Lodge.

SEVENTH COUNT

Statement of Offence

OBTAINING MONEY BY VIRTUE OF FORGED DOCUMENTS: Contrary to Section 345(a) of the Penal Code, Cap. 17.

Particulars of Offence

ANAND KUMAR PRASAD f/n Alfred Shiri Prasad between the 1st day of August 2006 to the 31st day of December 2006, at Nadi in the Western Division, with intent to defraud, obtained the sum of \$48, 723.06 by virtue of forged ANZ cheque numbers 012772, 012751, 012779, 012961, 013006 belonging to SPOR Fiji Ltd t/a Turtle Island Lodge knowing the same to be forged.

EIGHTH COUNT

Statement of Offence

FORGERY: Contrary to Section 335(2)(a) of the Penal Code, Cap. 17.

Particulars of Offence

ANAND KUMAR PRASAD f/n Alfred Shiri Prasad between the 1st day of January 2007 to the 31st day of March 2007, at Nadi in the Western Division, with intent to defraud, forged ANZ cheque numbers 013050, 013128, 013196, 013197, 013217, 013218, 013223, 013225, 013262, 013266, 013310, 013311 belonging to SPOR Fiji Ltd t/a Turtle Island Lodge by forging the signature of RICHARD EVANSON and inserting the name ANAND KUMAR PRASAD as the payee of the said cheques.

NINTH COUNT

Statement of Offence

UTTERING OF FORGED DOCUMENTS: Contrary to Section 343(1) of the Penal Code, Cap. 17.

Particulars of Offence

ANAND KUMAR PRASAD f/n Alfred Shiri Prasad between the 1st day of January 2007 to the 31st day of March 2007, at Nadi in the Western Division, with knowledge and intent to defraud, uttered forged ANZ cheque numbers 013050, 013128, 013196, 013197, 013217, 013218, 013223, 013225, 013262, 013266, 013310, 013311 belonging to SPOR Fiji Ltd t/a Turtle Island Lodge.

TENTH COUNT

Statement of Offence

OBTAINING MONEY BY VIRTUE OF FORGED DOCUMENTS: Contrary to Section 345(a) of the Penal Code, Cap. 17.

Particulars of Offence

ANAND KUMAR PRASAD f/n Alfred Shiri Prasad between the 1st day of January 2007 to the 31st day of March 2007, at Nadi in the Western Division, with intent to defraud, obtained the sum of \$126, 922.56 by virtue of forged ANZ cheque numbers 013050, 013128, 013196, 013197, 013217, 013218, 013223, 013225, 013262, 013266, 013310, 013311 belonging to SPOR Fiji Ltd t/a Turtle Island Lodge knowing the same to be forged.

ELEVENTH COUNT

Statement of Offence

FORGERY: Contrary to Section 335(2)(a) of the Penal Code, Cap. 17.

Particulars of Offence

ANAND KUMAR PRASAD f/n Alfred Shiri Prasad between the 1st day of April 2007 to the 30th day of June 2007, at Nadi in the Western Division, with intent to defraud, forged ANZ cheque numbers 013397, 013398, 013399, 013401, 013402, 013442, 013450, 013495, 013535, 013536, 013537, 013538, 013539, 013540, 013556 belonging to SPOR Fiji Ltd t/a Turtle Island Lodge by forging the signature of RICHARD EVANSON and inserting the name ANAND KUMAR PRASAD as the payee of the said cheques.

TWELFTH COUNT

Statement of Offence

UTTERING OF FORGED DOCUMENTS: Contrary to Section 343(1) of the Penal Code, Cap. 17.

Particulars of Offence

ANAND KUMAR PRASAD f/n Alfred Shiri Prasad between the 1st day of April 2007 to the 30th day of June 2007, at Nadi in the Western Division, with knowledge and intent to defraud, uttered forged ANZ cheque numbers 013397, 013398, 013399, 013401, 013402, 013442, 013450, 013495, 013535, 013536, 013537, 013538, 013539, 013540, 013556 belonging to SPOR Fiji Ltd t/a Turtle Island Lodge.

THIRTEENTH COUNT

Statement of Offence

OBTAINING MONEY BY VIRTUE OF FORGED DOCUMENTS: Contrary to Section 345(a) of the Penal Code, Cap. 17.

Particulars of Offence

ANAND KUMAR PRASAD f/n Alfred Shiri Prasad between the 1st day of April 2007 to the 30th day of June 2007, at Nadi in the Western Division, with intent to defraud, obtained the sum of \$119, 677.18 by virtue of forged ANZ cheque numbers 013397, 013398, 013399, 013401, 013402, 013442, 013450, 013495, 013535, 013536, 013537, 013538, 013539, 013540, 013556 belonging to SPOR Fiji Ltd t/a Turtle Island Lodge knowing the same to be forged.

FOURTEENTH COUNT

Statement of Offence

FORGERY: Contrary to Section 335(2)(a) of the Penal Code, Cap. 17.

Particulars of Offence

ANAND KUMAR PRASAD f/n Alfred Shiri Prasad and DEO NARAYAN SINGH

f/n Ram Brij Singh between the 1st day of January 2007 to the 31st day of December 2007, at Nadi in the Western Division, with intent to defraud, forged ANZ cheque numbers 013046, 013083, 013167, 013214, 013364, 013482 belonging to SPOR Fiji Ltd t/a Turtle Island Lodge by altering the particulars on the said cheque and forging the signature of RICHARD EVANSON on the said alterations.

FIFTEENTH COUNT

Statement of Offence

CAUSING PAYMENT OF MONEY BY VIRTUE OF A FORGED DOCUMENT:

Contrary to Section 345(a) of the Penal Code, Cap. 17.

Particulars of Offence

ANAND KUMAR PRASAD f/n Alfred Shiri Prasad and **DEONARAYAN SINGH f/n Ram Brij Singh**, between the 1st day of January 2007 to the 31st day of December 2007, at Nadi in the Western Division, with intent to defraud, caused the payment \$72, 520.60 to **SHAHIL & SHOHIL GROCERIES AND MECHANICAL REPAIRS** by virtue of a forged ANZ cheque numbers 013046, 013083, 013167, 013214, 013364 and 013482 belonging to SPOR (Fiji) Ltd t/a Turtle Island Resort, knowing the same to be forged.

SIXTEENTH COUNT

Statement of Offence

FORGERY: Contrary to Section 335(2)(a) of the Penal Code, Cap. 17.

Particulars of Offence

ANAND KUMAR PRASAD f/n Alfred Shiri Prasad and **DEO NARAYAN SINGH f/n Ram Brij Singh** on the 31st day of August 2007, at Nadi in the Western Division, with intent to defraud, forged ANZ cheque number 013381 belonging to SPOR Fiji Ltd t/a Turtle Island Lodge by altering the particulars on the said cheque and forging the signature of RICHARD EVANSON on the said alterations.

SEVENTEENTH COUNT

Statement of Offence

CAUSING PAYMENT OF MONEY BY VIRTUE OF A FORGED DOCUMENT:

Contrary to Section 345(a) of the Penal Code, Cap. 17.

Particulars of Offence

ANAND KUMAR PRASAD f/n Alfred Shiri Prasad and **DEONARAYAN SINGH f/n Ram Brij Singh**, on the 5th day of February 2008, at Nadi in the Western Division, with intent to defraud, caused the payment \$38,962.38 to **SHAHIL & SHOHIL**

GROCERIES AND MECHANICAL REPAIRS by virtue of a forged ANZ cheque number 013381 belonging to SPOR (Fiji) Ltd t/a Turtle Island Resort, knowing the same to be forged.

EIGHTEENTH COUNT

Statement of Offence

FORGERY: Contrary to Section 335(2)(a) of the Penal Code, Cap. 17.

Particulars of Offence

ANAND KUMAR PRASAD f/n Alfred Shiri Prasad and DEO NARAYAN SINGH f/n Ram Brij Singh, on the 28th day of December 2007, at Nadi in the Western Division, with intent to defraud, forged a SPOR Fiji Ltd t/a Turtle Island Lodge document purporting that to be authorized and signed by **Richard Evanson** for transfer of funds to **SHAHIL & SHOHIL GROCERIES AND MACHINERY REPAIRS**.

NINETEENTH COUNT

Statement of Offence

CAUSING THE PAYMENT OF MONEY BY VIRTUE OF A FORGED DOCUMENT: Contrary to Section 345(a) of the Penal Code, Cap. 17.

Particulars of Offence

ANAND KUMAR PRASAD f/n Alfred Shiri Prasad and DEO NARAYAN SINGH f/n Ram Brij Singh, on the 28th day of December 2007, at Nadi in the Western Division, with intent to defraud, caused the payment of \$36,000 to **SHAHIL & SHOHIL GROCERIES AND MACHINERY REPAIRS** by virtue of a forged SPOR Fiji Ltd/ Turtle Island Lodge document.

TWENTIETH COUNT

Statement of Offence

FORGERY: Contrary to Section 335(2)(a) of the Penal Code, Cap. 17.

Particulars of Offence

ANAND KUMAR PRASAD f/n Alfred Shiri Prasad and DEO NARAYAN SINGH f/n Ram Brij Singh, between the 1st day of June 2006 to the 31st day of December 2006, at Nadi in the Western Division, with intent to defraud, forged ANZ cheque numbers 012501, 012562 012599, 012601, 012607, 012681, 012714 belonging to SPOR Fiji Ltd t/a Turtle Island Lodge by forging the signature of **RICHARD EVANSON** and inserting the name **DEO NARAYAN SINGH** as the payee of the said cheques.

TWENTY-FIRST COUNT

Statement of Offence

OBTAINING MONEY BY VIRTUE OF A FORGED DOCUMENT: Contrary to Section 345(a) of the Penal Code, Cap. 17.

Particulars of Offence

DEO NARAYAN SINGH f/n Ram Brij Singh, between the 1st day of June 2006 and the 31st day of December 2006, at Nadi in the Western Division, with intent to defraud, obtained the sum of \$63, 182.44 by virtue of forged cheque numbers 012501, 012599, 012607, 012714 belonging to SPOR Fiji Ltd t/a Turtle Island Lodge, knowing the same to be forged.

TWENTY-SECOND COUNT

Statement of Offence

FORGERY: Contrary to Section 335(2)(a) of the Penal Code, Cap. 17.

Particulars of Offence

ANAND KUMAR PRASAD f/n Alfred Shiri Prasad and REENAL RAJNEIL CHANDRA f/n Rajendra Chandra, between the 1st day of January 2007 to the 30th day of June 2007, at Nadi in the Western Division, with intent to defraud, forged ANZ cheque number 013170, 013210, 013227, 013270, 013313, 013400, 013416, 013445, belonging to SPOR Fiji Ltd t/a Turtle Island Lodge by forging the signature of RICHARD EVANSON and inserting the name REENAL RAJNEIL CHANDRA as the payee of the said cheques.

TWENTY-THIRD COUNT

Statement of Offence

OBTAINING MONEY BY VIRTUE OF A FORGED DOCUMENT: Contrary to Section 345(a) of the Penal Code, Cap. 17.

Particulars of Offence

REENAL RAJNEIL CHANDRA f/n Rajendra Chandra, between the 1st day of January 2007 to the 30th day of June 2007, at Nadi in the Western Division, with intent to defraud, obtained \$66, 904.26 by virtue of forged ANZ cheque numbers 013170, 013210, 013227, 013270, 013313, 013400, 013416, 013445, knowing the same to be forged.

TWENTY-FOURTH COUNT

Statement of Offence

FORGERY: Contrary to Section 335(2)(a) of the Penal Code, Cap. 17.

Particulars of Offence

ANAND KUMAR PRASAD f/n Alfred Shiri Prasad and REENAL PRANIL CHANDRA f/n Rajendra Chandra, between the 1st day of January 2007 to the 31st March 2007, at Nadi in the Western Division, with intent to defraud, forged ANZ cheque numbers 013090, 013171, 013226, 013312, 013269, belonging to SPOR Fiji Ltd t/a Turtle Island Lodge by forging the signature of RICHARD EVANSON and inserting the name REENAL PRANIL CHANDRA as the payee of the said cheques.

TWENTY-FIFTH COUNT

Statement of Offence

OBTAINING MONEY BY VIRTUE OF A FORGED DOCUMENT: Contrary to Section 345(a) of the Penal Code, Cap. 17.

Particulars of Offence

REENAL PRANIL CHANDRA f/n Rajendra Chandra, between the 1st day of January 2007 to the 31st day of March 2007, at Nadi in the Western Division, with intent to defraud, obtained the sum of \$33, 507.53 by virtue of forged ANZ cheque numbers 013090, 013171, 013226, 013312, 013269, knowing the same to be forged.

TWENTY-SIXTH COUNT

Statement of Offence

FORGERY: Contrary to Section 335(2)(a) of the Penal Code, Cap. 17.

Particulars of Offence

ANAND KUMAR PRASAD f/n Alfred Shiri Prasad between the 1st September 2006 to the 30th June 2007, at Nadi in the Western Division, with intent to defraud, forged ANZ cheque numbers 013090, 013171, 013226, 013312, 013269, belonging to SPOR Fiji Ltd t/a Turtle Island Lodge by forging the signature of RICHARD EVANSON and inserting the name ARUN KUMAR PRASAD as the payee of the said cheques.

TWENTY-SEVENTH COUNT

Statement of Offence

CAUSING THE PAYMENT OF MONEY BY VIRTUE OF A FORGED DOCUMENT: Contrary to Section 345(a) of the Penal Code, Cap. 17.

Particulars of Offence

ANAND KUMAR PRASAD f/n Alfred Shiri Prasad between the 1st day of September 2006 to the 30th day of June 2007, at Nadi in the Western Division, with intent to defraud, caused the payment of \$105, 955.00 to **ARUN KUMAR PRASAD** by virtue of forged cheque numbers 012780, 012882, 012885, 013049, 013209, 013224, 013267, 013271, 013441, 013443, 013449 knowing the same to be forged.

TWENTY-EIGHTH COUNT

Statement of Offence

MONEY LAUNDERING: Contrary to Section 69(2), (3)(a) of the Proceeds of Crime Act, 1997.

Particulars of Offence

ANAND KUMAR PRASAD f/n Alfred Shiri Prasad and **DEO NARAYAN SINGH f/n Ram Brij Singh** and **ATISHMA KIRTI SINGH f/n Niranjan Singh**, between the 24th day of January 2008 and the 11th day of February 2008, at Nadi in the Western Division, directly engaged in a transaction namely, receiving a sum of \$16,000.00 into Colonial Bank Account No. 6054438 belonging to the said **ATISHMA KIRTI SINGH f/n Niranjan Singh**, and they ought reasonably to have known that the monies were derived directly from an unlawful activity.

TWENTY-NINETH COUNT

Statement of Offence

MONEY LAUNDERING: Contrary to Section 69(2), (3)(a) of the Proceeds of Crime Act, 1997.

Particulars of Offence

ANAND KUMAR PRASAD f/n Alfred Shiri Prasad and **DEO NARAYAN SINGH f/n Ram Brij Singh** and **ATISHMA KIRTI SINGH f/n Niranjan Singh**, between the 7th day of November 2008 and the 28th day of November 2008, at Nadi in the Western Division, directly engaged in a transaction namely, withdrawing a sum of \$17,250.00 from Colonial Bank Account No. 6054438 belonging to the said **ATISHMA KIRTI SINGH f/n Niranjan Singh**, and they ought reasonably to have known that the monies were derived directly from an unlawful activity.

THIRTIETH COUNT

Statement of Offence

MONEY LAUNDERING: Contrary to Section 69(2), (3)(a) of the Proceeds of Crime Act, 1997.

Particulars of Offence

ANAND KUMAR PRASAD f/n Alfred ShiriPrasad on the 2nd day of March 2007, at Nadi in the Western Division, directly engaged in a transaction namely, the purchase of property in Native Lease No. 26130 located in Lot 18, Savunawai, Nadi to the value of \$142, 000.00 transferred in the name of BHAGWATI f/n Ramji Lal, and he ought reasonably to have known that the monies were derived directly from an unlawful activity.

THIRTY-FIRST COUNT

Statement of Offence

MONEY LAUNDERING: Contrary to Section 69(2), (3)(a) of the Proceeds of Crime Act, 1997.

Particulars of Offence

DEO NARAYAN SINGH f/n Ram BrijSingh on the 15TH of February 2008, at Samabulain the Central Division, directly engaged in a transaction namely, the purchase of vehicle registration No. EK 997 to the value of \$23, 500.00, and he ought reasonably to have known that the monies were derived directly from an unlawful activity.

THIRTY-SECOND COUNT

Statement of Offence

MONEY LAUNDERING: Contrary to Section 69(2), (3)(a) of the Proceeds of Crime Act, 1997.

Particulars of Offence

ANAND KUMAR PRASAD f/n Alfred ShiriPrasad on the 14th day of July 2006, at Nadi in the Western Division, directly engaged in a transaction namely, the purchase of vehicle registration No. FB 384 to the value of \$21, 450.00 which was transferred to BHAGWATI f/n Ramji Lal, and he ought reasonably to have known that the monies were derived directly from an unlawful activity.

THIRTY-THIRD COUNT

Statement of Offence

MONEY LAUNDERING: Contrary to Section 69(2), (3)(a) of the Proceeds of Crime Act, 1997.

Particulars of Offence

ANAND KUMAR PRASAD f/n Alfred ShiriPrasad on the 15th day of July 2007, at Nadi in the Western Division, directly engaged in a transaction namely, the purchase of vehicle registration No. FF 171 to the value of \$20, 000.00, and he ought reasonably to have known that the monies were derived directly from an unlawful activity.

[2] The three assessors have returned unanimous verdicts of guilty on all of those offences with the exception of three forgery counts against the 4th accused (Counts 14, 16 and 18) and one forgery count against the 3rd accused (Count 22). Despite delivering those not guilty verdicts in respect of the forgeries, they have nevertheless gone on to find those two accused guilty of causing money to be paid as a result of those forgeries.

[3] The findings of not guilty against the third and fourth accused in respect of the forgeries of cheques appear at first blush to be inconsistent, however it could be explained by the assessors believing that the agreement to fund the 3rd and 4th accuseds' accounts came after the cheques were forged. I decline therefore to interfere with the verdicts for Counts 14, 16 and 22.

[4] The verdicts on Counts 18 and 19 are more difficult to reconcile. The assessors find the 4th accused not guilty of being a party to forgery of the fax instructing the ANZ to send \$36,000 to the 4th accused's account, yet they find him guilty of causing that money to be paid to his account by way of the forged fax. Not knowing when the fax was forged, it could again be said that the agreement to send money to his account was made after the forgery came into being. That being possible, I again decline to interfere with the assessors' verdicts.

[5] In directing myself on my own Summing Up and in carefully reviewing the evidence, the Court accepts and agrees with the opinions of the assessors.

First Accused, you are found guilty of Counts 1 to 20, 22, 24 and 26 to 33 and convicted accordingly.

Second Accused, you are found guilty of Count 1 and Counts 24 and 25 and convicted accordingly.

Third Accused, you are found guilty of Count 1 and Counts 22 and 23 and convicted accordingly.

Fourth Accused, you are found guilty of Count 1 and Counts 15, 17, 19, 20, 21, 28, 29 and 31 and convicted accordingly.

Fifth Accused, you are found guilty of Count 1 and convicted accordingly.

Sixth Accused, you are found guilty of Count 1, and Count 28 and convicted accordingly.

That is the Judgment of The Court.

Paul K. Madigan
JUDGE

At Lautoka

14 April 2011