THE STATE V ASHWINI DEELJORE

2026 SCJ 259

Record No. SCS 10/21

IN THE SUPREME COURT OF MAURITIUS

In the matter of:-

The State

v

Ashwini Deeljore

JUDGMENT

The accused, Ashwini Deeljore, was prosecuted for the offence of having wilfully, unlawfully and knowingly attempted to possess 295.4 grams of heroin, concealed in the top cover flaps of a carton box which contained kitchen utensils, for the purpose of distribution with an averment of trafficking and which attempt was manifested by a '*commencement d'execution*', which had failed in its effect through circumstances independent of the will of the accused. The offence was committed on or about 11 December 2019 in breach of sections 30(1)(b)(i), 41(3) and (4) and 47(2) & (5)(a) of the Dangerous Drugs Act.

The accused pleaded **not guilty** to the charge and the matter proceeded to be heard on the merits. Accused had previously been released on bail and she has remained on bail all throughout her trial and while awaiting judgment.

The evidence adduced by the prosecution is as follows. On 10 December 2019 a consignment reached Mauritius, via flight SA 190 from Johannesburg, addressed to the accused. The consignment consisting of a carton box contained kitchen utensils and same was intercepted by customs and ADSU officers at the DHL warehouse and following examination, it was found to contain three rectangular parcels suspected to contain dangerous drugs.

Following an examination by the Forensic Science Laboratory (FSL), the substance secured was found to weigh around 295.4 grams and the presence of heroin was detected with a purity level ranging from 2% to 4%. The estimated street value of the drugs was around Rs 4,431,000, as per the evidence on record. The FSL report was placed before the Court, as well as the exhibits secured during the course of the police enquiry.

A controlled delivery exercise was set up by the ADSU police team whereby the drug parcels were removed from the consignment and a dummy parcel was instead placed, for the purposes of the controlled delivery exercise. As per the evidence on record, on 11 December 2019, ADSU officers proceeded to the DHL warehouse and collected the consignment consisting of the dummy parcel. Subsequently, a supervisor at DHL called the accused to inform her about the impending delivery of her parcel. The accused requested that the parcel be delivered at her residential address and agreed to pay a sum of Rs 1006, as customs duty.

ADSU officers posing as DHL agents proceeded to the residence of the accused. The latter was waiting to take delivery of the parcel on the street. One of the ADSU officers alighted the vehicle and delivered the consignment to the accused after she had written her name and affixed her signature on the delivery sheet. Thereafter, when the accused was about to proceed inside her house, another ADSU officer alighted the vehicle, revealed her police identity, duly cautioned the accused, before she was arrested for purposes of the police enquiry.

It is the contention of the defence that the accused was merely a representative who received parcels via DHL courier service in Mauritius and she was working for one Mr Gray, a marketing consultant for World Global Logistic in the United Kingdom. The accused admitted having taken delivery of the DHL consignment but strenuously denied knowledge of the presence of any dangerous drugs therein. When confronted with the evidence against her she opted to exercise her right to silence. It is to be noted that the accused was legally assisted during the police enquiry.

In the present matter, the prosecution has to prove beyond reasonable doubt that the accused knowingly attempted to possess heroin for the purpose of distribution with an averment of drug trafficking. Given that the accused admitted having taken delivery of the consignment, the prosecution has to prove the issue of knowledge which is an essential element of the charge. The onus therefore, is on the prosecution to show that the accused was not only in possession of the parcel but also that she knew and was well aware of the contents of the parcel, being dangerous drugs.

Learned counsel for the prosecution, throughout his submissions referred the Court to the case of **Warner v Metropolitan Police Commissioner (1968) 2 All E R 356** where the Court was of the view that –

> *"The question, to which an answer is required, and in the end a jury must answer it, is whether in the circumstances the accused should be held to have possession of the substance, rather than mere control. In order to decide between these two, the jury should, in my opinion, be invited to consider all the circumstances –to use again the words of **Pollock & Wright, Possession in the Common Law, p. 119 –**the 'modes or events' by which the custody commences and the legal incident in which it is held. By these I mean, relating them to typical situations, that they must consider the manner and circumstances in which the substance, or something which contains it, has been received, what knowledge or means of knowledge or guilty knowledge as to the presence of the substance, or as to the nature of what has been received, the accused had at the time of receipt or thereafter up to the moment when he is found with it; his legal relation to the substance or package (including his right of access to it). On such matters as these (not exhaustively stated) they must make the decision whether, in addition to physical control, he has, or ought to have imputed to him the intention to possess, or knowledge that he does possess, what is in fact a prohibited substance. If he has this intention or knowledge, it is not additionally necessary that he should know the nature of the substance."* (**Vide Rossan M A R v The State [2015 SCJ 454]**)

Learned counsel for the prosecution further submitted that the accused in the present matter got involved with an unknown person, one Martin Gray to start a business transaction which would reap her money. As per the messages sent to the accused by the said Mr. Gray, there was an imperative need for the accused to keep all transactions confidential, as most of the customers with whom the latter would be dealing with were wealthy individuals. For learned counsel, it therefore stands to reason that had the accused been undergoing genuine transactions, there would have been no need for such secrecy.

It was also the prosecution's case that it has been established from the evidence adduced that the accused knew or ought to have known that the parcels contained drugs through her attitude and demeanour. The more so that the accused was uncooperative when questioned, during the course of the enquiry, about the drug parcel. The accused had exercised her right to silence all throughout. Further, the prosecution also invited the Court to consider the demeanour of the accused when she received the parcel. As per the evidence on record, the accused was eager, enthusiastic and in a hurry to receive the consignment when she saw the vehicle of the courier company approaching her house.

Learned counsel for the prosecution also submitted that the accused failed to provide a reasonable explanation to the police when questioned about the box containing the drugs. Also, she did not provide any information about her phone contacts and did not reveal why she received so many phone calls from some of her contacts. The accused failed to provide relevant information as to the said Martin Gray and the business transaction she was involved in.

Nonetheless, it could be deducted from the text messages which were sent and received by the accused that she had embarked on an exchange of personal information with Martin Gray. The accused even questioned about the delivery of the parcels. For learned counsel for the prosecution, had the accused truly believed in the genuineness of the transaction, she would have produced all the relevant documents during the enquiry.

The mother of the accused who was called in support of the defence confirmed in Court that she was living with the accused at the material time, but she was unaware of the transactions carried out by the latter. The prosecution was of the view that the accused had knowledge about the illicit substances present in the parcel the more so that the accused did not inform her mother about the parcel.

The mobile phone and the laptop of the accused was also examined and an examination report was produced in Court. The examination of the laptop of the accused revealed that the latter had on 9 December 2019 visited a link through her browser in relation to the airway bill of the parcel *in quo* bearing number 6754554096.

Several WhatsApp messages which were sent to and received from Martin Gray by the accused were retrieved by the police and the messages revealed that there was a need for the accused to keep all transactions confidential as the clients she would be dealing with were wealthy clients. It was further contended by the prosecution that, the way the accused was recruited was unnatural and obscure, given that Martin Gray sent her a WhatsApp message indicating that they were looking for an honest representative in Mauritius to help assist them receive parcels from DHL and deliver same to their clients.

Learned counsel for the prosecution made an analogy between the present case and the case of **State v N'Tamo N. & Anor** [2009 SCJ 84] where a consignment containing dangerous drugs was intercepted upon reaching Mauritius from South Africa. The consignment was addressed to accused no. 1 and the Court made the following remarks –

> *"The manner in which she was recruited to do the job for an unknown and faraway person, the manner in which the whole enterprise was conceived and executed and the mode of its execution in Mauritius leave no doubt as her knowledge of the true nature of the criminal transaction in which she was involved. This is again highlighted by the secrecy with which she embarked from the outset into the transaction leaving her family without informing her husband and in fact lying both to her husband and mother as to the purpose of her leaving home and travelling to Mauritius."*

Therefore, it is the case for the prosecution that the accused ought to have known that the parcel contained illicit substance, the more so that it was quite irregular that the accused would receive money in exchange for the delivery of the parcels. The accused had exercised her right to silence throughout the enquiry. It was learned prosecution counsel's proposition that, had she nothing to hide, she would have explained the details of the transactions she had indulged into.

It was submitted that once the prosecution had established a *prima facie* case against the accused beyond reasonable doubt, the evidential burden then shifts on the accused to show on a balance of probabilities that she did not know or did not suspect or had reason to suspect that the consignment concealed illicit substances. (**Vide The State v Moazzam Ali Shaikh** [1998 SCJ 145])

As to the offence of attempt to possess, the prosecution had to show that there was a '*commencement d'exécution'* going further than mere '*actes préparatoires',* as they pertain to the commission and execution of the offence. The prosecution has to further establish that the '*commencement d'exécution'* had failed in its effect, not through a '*désistement volontaire'* on the part of the accused but rather through circumstances independent of her will. (**Vide Narayanasawmy C v The State** [2013 SCJ 405])

The prosecution's further contention was that the accused was unable to take delivery of the dangerous drugs secured, however, there had been an attempt on her part to take possession of the drugs and this has been established through the controlled delivery exercise. Further, by actively seeking to take possession of the parcel, the accused embarked on a '*commencement d'exécution*' whereby she took pro-active steps, thereby committing the offence. The '*commencement d'exécution*' had failed independently of the will of the accused, when the police intervened and secured the dummy parcel from her and she was arrested upon having taken delivery of same.

Learned defence counsel reiterated in his submissions that the prosecution must not only prove that there was knowledge and overt acts connecting the accused to the drug parcel, but also, it must be established that there was a '*commencement d'exécution'* which had passed the stage of '*acte préparatoire'*. The actions of the accused must be linked directly with the offence charged and which reflects the intention of committing the said offence.

In establishing attempt, the prosecution must prove that there was '*une intention irrevocable'* and *'un lien de causalité*'. Thus, there must be knowledge and overt acts connecting the accused to the drugs which had been secured by the police. Therefore, the prosecution must adduce facts showing that the attempt to possess the drugs had failed through circumstances which were independent of the will of the accused.

For learned defence counsel, the prosecution is relying on the parcel consisting of a box which concealed the drug parcels and some kitchen utensils, addressed to the accused. The parcel containing the drugs was subsequently replaced by a dummy parcel and a controlled delivery exercise was carried out by the police. The accused had acknowledged having received the parcel after having paid a fee of Rs 1006. It further came out in evidence that upon receiving the parcel, the accused uttered the following words –

"*Mo ti p atan ene parcel qui contenir ban utensils la cuisine.*" (I was waiting for a parcel containing kitchen utensils)

As per the evidence, the police also examined the laptop and the phone of the accused. The police came across the itemised bills and messages exchanged by the accused which establishes that the accused was in conversation with Martin Gray from Global Logistic Ltd. The accused enquired from the latter as to his identity and Martin Gray told the accused that he was working for a delivery company and showed a picture of his business card through messages exchanged between them.

What can be gathered from the case is that the accused accepted a working relationship with the said Martin Gray. The task of the accused consisted of receptioning parcels in Mauritius and delivering same to clients as part of a scheme which she believed to consist of sales of kitchen utensils. The accused had even insisted to have a working identity card from the said Martin Gray and that they signed a Memorandum of Understanding (MOU). The accused was showed the photos of the contents of the parcel which she was to deliver and these matched the kitchen utensils secured in the present matter.

Learned defence counsel submitted that the accused was diligent to verify the identity of Martin Gray. The accused ensured and believed that she was working for a delivery company. By asking for a working ID and signing the MOU the accused had insisted on formalising and officialising the working relationship which existed between her and the said Martin Gray. The messages found on the phone of the accused supports the accused case that she had no knowledge of the presence of any illicit substances in the parcel.

The evidence on record shows that the accused was under a contract of delivery with one Martin Gray, who introduced himself as a marketing consultant for World Global Logistic Ltd. Both parties had also signed a proper MOU and the accused asked for an official letter of authorisation from the company and negotiated for a salary of $360 per parcel to be delivered. There were also some pictures which were sent to her to confirm the contents of the parcel matched the kitchen utensils secured by the police.

It is indeed true, as per the evidence adduced on behalf of the prosecution, that the pictures sent to the accused for confirmation of the contents of the parcel only showed kitchen utensils. The Court also notes that, at no point in time the word 'drug' or other incriminating words were contained in the messages exchanged between the accused and the said Martin Gray. At this juncture, it is appropriate to refer to the case of **Rossan (supra)** where the Court was of the view that –

> *"In the case of a container or box, the possession of the box leads to the strong inference that the person is in possession of the contents or whatsoever inside it. But if the contents are quite different in kind from what he believed, he is not in possession of it. Such presumption can be rebutted if the person shows that either (i) he had no right to open the container and had no reason to suspect that it contained drugs or anything illicit, or (ii) that he could have opened the container if he so wanted, but he received it innocently, and did not have a reasonable opportunity to acquaint himself with the actual contents or to discover their illicit nature*." (**Vide Warner v Metropolitan Police Commissioner (1968) 2 All E R 356**)

The Court, therefore, has to address its mind as to whether the accused when taking possession of the dummy parcel, had any knowledge that the said parcel contained illicit substance *albeit* not knowing the exact nature of the substance *in quo*. It is the contention of the defence that the accused innocently received the parcel the more so she did not have any reasonable opportunity to acquaint herself with the actual contents and discover their illicit nature. As per the evidence, when she was cautioned, the accused conceded that she was indeed expecting a parcel containing kitchen utensils. This being said, the Court has to decide whether the accused had the guilty knowledge that the parcel she was expecting contained drugs. We may here refer to the case of **State v Bajiji R S M [2008 SCJ 234]** where the legal issue of guilty knowledge was thoroughly expatiated upon, as follows-

> "*In **The State v Kanojia Kamala Pannalal [1992 SCJ 381]**, it was stated that 'knowledge is of course an abstract concept which unless a person tells of what he has behind in mind can only be revealed by examining his conduct in the light of the circumstances surrounding the case.'*

…

> *… the proof of knowledge was considered in **R. v McNamara 87 Cr. App. R. 246**, and there emerged as a result the following propositions –*

(1) A man does not have possession of something which has been put into his pocket or house without his knowledge.
(2) A mere mistake as to the quality of a thing under the defendant's control is not enough to prevent him being in possession – for example, in

possession of heroin, believing it to be cannabis or aspirin: see ***Searle v. Randolph [1972 Crim. L.R. 779, DC.]****.*

(3) If the defendant believed that the thing was of a wholly different nature to that which, in fact it was, then, to use the words of ***Lord Pearce*** *(in* ***Warner****), 'the result would be otherwise.'*

(4) In the case of a package or box, the defendant's possession of it led to the strong inference that he was in possession of the contents. However, if the contents were quite different in kind from what he believed, he was not in possession of them.'

Thus 'the prima facie assumption is discharged if he proves (or raises a real doubt in the matter) that, although he was the owner, he had no knowledge of (including a genuine mistake as to) its actual contents or of their illicit nature and that he received them innocently and also that he had had no reasonable opportunity since receiving the package of acquainting himself with its actual contents'…"

The accused first reaction upon being cautioned and the fact that she consented to the examination of her phone and the messages extracted revealed the circumstances in which she received the parcel confirms the proposition that the accused believed that the contents of the box were kitchen utensils. The accused cannot be said to have attempted to possess dangerous drugs when there is no indication that the illicit substances were placed in the parcel with her knowledge. Furthermore, as per the evidence on record, the contents of the parcel matched the manifest of the parcel as being kitchen utensils. Again, the reaction and the words of the accused move towards confirming her knowledge of mere kitchen utensils in the parcel.

The accused, therefore, believed that she was expecting a parcel containing kitchen utensils and there is no evidence to show that the accused ought to have known that the said parcel contained any illicit substances. One of the police officers who participated in the controlled delivery exercise stated in Court that the accused appeared eager upon receiving the parcel, whereas another police officer who was also present on the spot at the material time stated on record that the accused was anxious. The evidence therefore contradicts each other, the more so that there has been no further evidence adduced on that aspect by the prosecution to corroborate the inconsistent versions.

It is the contention of learned counsel for the prosecution that the accused failed to provide any reasonable explanation to the police about the parcel. She had further exercised her right to silence throughout the police enquiry to questions pertaining to the procedure for the operation of the transactions and about the delivery of the parcels. Therefore the conclusion to be reached, as per the prosecution's case, is that the accused knew or ought to have known that the parcels contained drugs, through her attitude and demeanour. The more so that the accused was uncooperative when questioned by the police.

The Court is not agreeable to this contention of learned counsel for the prosecution for the following reasons. In **Carpenen G. N. v The State & Reine De Carthage G. v The State [2014 SCJ 382]** the Court was of the following view, namely –

> "*The purport of this provision was expressed in the case of* ***R v. Shummoogum & Ors*** *[1977 MR 1]*–
>
> *"It should be noted that s. 10(7) is couched in negative terms: it does not say that the accused has a right to silence, but that he shall not be compelled to give evidence. In our view, all that the enactment requires is that the judge must not suggest to the jury that from the silence of the accused they may infer his guilt, or that his silence corroborates the evidence for the prosecution..." (Emphasis added)*

…

> *In the present case we do not accept the contention of the prosecution to the effect that the Learned Judge's comment, "one would have expected him to react had he been innocent" was in relation to the appellant's attitude and conduct rather than the issue of his guilt. In our view the tenor of the above comment reveals that the Learned Judge drew an inference of guilt from the appellant's silence upon being identified by the complainant. Further we do not agree that the Learned Judge's comment was a mere passing remark to which she did not attach importance in her assessment of the evidence. Such a comment is a serious misdirection and constitutes a clear breach of the appellant's constitutional right under Section 10(7) of the Constitution not to be compelled to give evidence at the trial.*
>
> *We read the following from the case of* ***Hall v The Queen [1971] 1 WLR 298****:*
>
> *"... silence alone on being informed by a police officer that someone else has made an accusation against him cannot give rise to an inference that the person to whom this information is communicated accepts the truth of the accusation".*

The law is clear, it is the constitutional right of the accused to exercise her right to silence in her out of Court statements. Therefore, guilt cannot be inferred from her silence, the more so that the accused who was all along legally represented, cannot be blamed for having exercised this right. The prosecution must prove beyond reasonable doubt that the accused attempted to possess dangerous drugs in a parcel and she knew that the parcel contained illicit substances. At best, the prosecution can rely on circumstantial evidence to infer such knowledge. As rightly held in **Mertz S B v State [2012 SCJ 382]** –

> "… *Knowledge is a species of circumstantial evidence from which conclusions may be drawn from facts.*"

In **The State v James Blankson [2024 SCJ 242]** the Court held that circumstantial evidence may aptly be summarised in the following manner–

> "… *Circumstantial evidence "works by cumulatively, in geometrical progression, eliminating other possibilities" (**DPP v Kilbourne [1973] AC 729**). The test to be applied is whether it can be reasonably inferred beyond the shadow of a doubt from all the facts and circumstances of the case that the accused had knowledge of the presence of the drugs in the carton boxes brought by the DHL for delivery. I have borne in mind the dictum in **Teper v The Queen [1952] AC 480**:*
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> *"It is also necessary before drawing the inference of the accused's guilt from circumstantial evidence to be sure that there are no other co-existing circumstances which would weaken or destroy the inference.*"

In the present matter, the accused is not denying the fact that she took possession of the dummy parcel as was delivered to her. However, the prosecution, in proving its case against the accused, has to also establish that the accused attempted to take possession of the dangerous drugs in full knowledge of what she was receptioning by way of parcel. The prosecution had to firstly establish that there has been a '*commencement d'exécution*' in relation to the possession of the drugs for the purpose of distribution and secondly, that such '*commencement d'exécution'* had failed in its effect through circumstances independent of the will of the accused.

The Court finds it relevant to make reference to **Notes 34** and **51** under **articles 2** and **3** of **Garçon: Code Pénal Annoté** which provides further insight on the issue of '*intention*', '*acte préparatoire'* and '*commencement d'exécution*' as follows–

> *"**34**. L'intention n'est donc pas réputée pour le fait si elle ne s'est pas manifestée par des actes extérieurs, qui constituent le commencement d'exécution. Sans doute, les actes préparatoires peuvent annoncer l'intention mauvaise de l'agent; dans une certaine mesure, ils manifestent extérieurement la pensée et même la résolution délictueuse. Mais ils sont encore trop éloignés du délit pour ne pas laisser place au repentir possible de l'agent et pour démontrer une intention définitive. Objectivement, le délit n'est pas commencé et le préjudice social n'apparaît pas encore; subjectivement, le projet manifesté*

par une simple préparation ne prouve pas encore que l'agent soit un malfaiteur dangereux.

…

***51**. La distinction de l'acte préparatoire et du commencement d'exécution se ramène donc à la distinction des actes qui tendent médiatement et indirectement au crime et des actes qui y tendent immédiatement et directement. La doctrine ne peut, croyons-nous, fournir aucun critérium plus précis. Certains faits seront clairement préparatoires parce que, bien que tendant au délit, ils sont encore éloignés de ce délit, ils l'annoncent, mais ne le réalisent pas; d'autres seront certainement des actes d'exécution: ce sont tous ceux qui consistent dans l'exécution du délit lui-même. Mais entre ces actes préparatoires et ces actes d'exécution se placent ceux qui commencent l'exécution et qui constituent la tentative à deux conditions: 1o qu'ils tendent directement au délit ; 2o qu'ils soient accomplis dans l'intention d'exécuter ce délit. Telle est, au fond, si nous l'avons bien comprise la doctrine de M. Garraud, dans sa seconde édition." (*emphasis added*)*

Further as per **Note 12** in **Encyclopedie Dalloz 1696**, **Vo. Tentative** –

*"12. Lorsque le fait établi cesse d'être «équivoque» et devient «univoque», c'est-à-dire lorsqu'il ne laisse plus subsister aucun doute sur l'intention de l'auteur de l'infraction, ce fait constitue un commencement d'exécution. Dans le cas contraire, il y a seulement acte préparatoire. (**FAUSTIN HELIE, p. 3 à 9 ; GARCON,** sous **art. 2 et 3 ; GARRAUD, t. 1, no. 232 VIDAL et MAGNOL t. 1. no. 97**). Ce critère est énoncé sous une autre forme par **DONNEDIEU DE VABRES (no. 231)**, pour qui: le commencement d'exécution est constitué quand les actes accomplis par l'agent lors de son appréhension, attestent chez lui une volonté criminelle irrévocable; quand il existe entre le mal qu'il a commis et le but qu'il se proposait, une distance morale si faible que, laissé à lui-même, il l'aurait presque certainement franchie."* (emphasis added)

In the present matter, given that the accused admitted having taken the parcel believing that it contains kitchen utensils, the Court finds that the prosecution has failed to prove the element of attempt unequivocally. The evidence on record does not conclusively and beyond reasonable doubt establish that the accused had any knowledge that the parcel which she was to receive contained illicit substances.

The facts, as elicited during the enquiry and the exchanged messages about kitchen utensils at most establishes a link between the accused and the said Martin Gray and that the accused may have been duped in the whole process and she may have acted as a mere conduit, to have the kitchen utensils delivered, without being aware of the illicit aspect of the transaction, as such.

The Court also comes to the conclusion that no negative inference is to be drawn from the 'eagerness' of the accused to receive the parcel, which could be due to the mere fact that the parcel with kitchen utensils were about to be delivered to her.

The circumstantial evidence adduced on behalf of the prosecution is mainly that a parcel addressed to the accused was intercepted by the authorities upon reaching Mauritius from South Africa, as it was suspected to contain illicit substances. Upon examination, the top lining of the carton box concealed three rectangular parcels containing a total of 295.4 grams of heroin. Thereafter, a controlled delivery exercise was set up by the police and the parcel was delivered to the accused and she was subsequently arrested. The accused was brought to the ADSU headquarters where she was allowed by the police to send a picture of the DHL receipt to Martin Gray from her mobile phone. However, given that there was no reply from the latter, the controlled delivery exercise with regard to any further recipient and or client of the parcel was called off.

The Court has carefully addressed its mind as to whether the evidence as adduced on behalf of the prosecution is sufficient to establish the guilty knowledge of the accused given that it has not been contested by the defence that the accused had indeed taken delivery of the parcel *in quo*. The Court is of the considered view that even taken at its best, the prosecution has not been successful in proving beyond reasonable doubt that the accused attempted to possess the parcel with the requisite knowledge, as per the circumstantial inferences. In the present matter, the mere fact that the accused was involved in the delivery of parcels, which as to her knowledge contained kitchen utensils *per se,* does not justify any irresistible inference from the evidence on record that the accused had any guilty knowledge. Therefore, the prosecution fell short of proving the mental element of the offence with which the accused stands charged. The Court finds that it would be unsafe to proceed with a conviction, in view of the loose evidence on record and that the prosecution has failed to prove the charge beyond reasonable doubt.

The charge against the accused is, therefore, dismissed and the accused stands acquitted.

All the exhibits are to be forfeited and destroyed except for Exhibit IV and Exhibit V, consisting of the laptop and mobile phone belonging to Mrs Ashwini Deeljore, which are to be returned to her.

The bail of the accused is to lapse and any prohibition order raised stands terminated accordingly.

There is no order as to costs.

L. Aujayeb
Judge

22 June 2026

For The State : **Mr. O. Dawoodarry, Senior State Counsel**

For Accused : **Mr. G. Glover, Senior Counsel together with Mr. R. Hurdowar & Mrs D. Choytah, of Counsel**