

A Quarterly Edition

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The Mauritius Police Force

Serving the community since 1762

Police **e-NEWS**



Quality Service with Pride and Care

In This Issue

- ◆ News;
- ◆ Our People;
- ◆ Education; and,
- ◆ Training.



Articles/ Suggestions may be sent to:

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email at psd.mpf@govmu.org
or prdu.mpf@govmu.org.

Articles should be concise and of not more than 300 words. Digital photos of good quality supporting articles are welcome.

N.B: The Editorial Committee wishes to inform contributors that for obvious reason, articles may be abridged, amended or corrected and every effort will be made to preserve the originality of articles.

Foreword

Dear readers,

Faithful to our established practice, I have the pleasure to welcome you to this new edition of Police e-news which brings you a variety of articles covering events which unfolded during the past three months.

I seize this opportunity to express my thanks to all our esteemed contributors as well as the Editorial Committee for their precious contributions to enable this issue. I would reiterate my request to our dear colleagues to share their experiences with us for the next edition.

This edition of e-news will lead you through various activities such as Police Officers in civic roles, the challenging salvage operations - re MV Benita, Sport events, etc.

Our esteemed readers will appreciate that since a few months, Police news are being released in real time through our Facebook account (<http://fb.com/mauritiuspolice>). The MPF is optimizing the maximum use of ICT facilities available to keep its customers abreast of the important happenings in the Police.

I thank our privilege readers for their interest in our e-news and invite them and their love ones to send us their articles and feedback at prdu.mpf@govmu.org.

I wish you a pleasant read.

K. Jhugroo, DCP
Chairman

On the Cover



The cover illustrates the deployment of Police Helicopter 'Dhruv' during salvage operation of MV Benita.

Disclaimer

All views and opinions expressed or statements made in this e-news are entirely those of the authors and should not be considered as an endorsement of editorial, official or Force policy. They therefore, do not commit the Mauritius Police Force, any officer or any other person or authority and render them liable in any manner whatsoever.

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Salvage Operations - MV Benita

On 17th June 2016, the Mauritius Police Force was anew put to test when MV Benita, a Cargo Vessel of 45,000 tons was aground at Le Bouchon following a mutiny onboard.



There was a high risk of oil Spillage from the ship which presented a potential danger to our ocean economy and environment. The Mauritius Police Force responded promptly with professionalism to the expectation of a whole nation. The Police and in particular, our maritime assets, comprising the Police Helicopters, NCG Vessels, NCG Commandos and Police Divers together with SMF specialised units were deployed in a challenging salvage operation to rescue life and property as well as preventing any oil spill from the said vessel. During the operation, lasted for 44 days, a total of 156 flying hours were undertaken in 1062 shuttles. The salvage exercise was another milestone in the history of the Police which unfolded successfully. Well done to all of you.

Editorial Committee

Award Ceremony Cohort 3 at UoM 11.06.2016

The Award Ceremony for Cohort 3 comprising 275 Police Officers who successfully followed the course leading to the certificate in Police Duties at the University of Mauritius was held on 11th June 2016 at the Paul Octave Wiehe Auditorium, Reduit. The Commissioner of Police and the Chancellor of the University of Mauritius laid



emphasis on the unflinching partnership of the two organisations with ultimate aim of promoting professional standards and quality service delivery in the Mauritius Police Force.



Editorial Committee

Visit by Mhadei Crew



The Indian Naval Sailing Vessel (INSV) Mhadei set sail from Goa on May 24 with a six-women crew onboard and reached Port Louis, Mauritius on June 14 on a thrilling historic voyage skipped by Lt Cdr Vartika Joshi, a Naval Instructor.

It was the first open-ocean voyage of the navy's all-women crew of INSV Madhei. This was a training



exposure for the young crew with the weather which they will confront during the forthcoming Circumnavigation of the Globe scheduled for 2017. Madhei was received by the Mauritian Coast Guard Vessel Retriever outside Port Louis Harbour and was escorted to her berth. During their port call, the crew paid a courtesy call on the Commissioner of Police on 15.06.2016, where they shared their experience with their Mauritian counterparts.

Editorial Committee

The laborious winner of the Civil Service Football Tournament (CSFT) 2016



The CSFT 2016 was marked by a breath-taking final, won by the SSU football team over the VIPSU team following a thrilling penalty shoot-out as the full time score was 2-2. Both teams fought hard till the last seconds, with the VIPSU team leading 2-1, but the SSU Team secure a late dramatic equaliser to maintain the suspense of the match. The reward of the SSU Team came out during the penalty shoot-out when the goalkeeper made two decisive saves. Congratulations to the well-deserved victory of the SSU Football Team.

*CI Gopooloopadya
OC SSU SRG*

Airport Police at 'Couvent de Bon Secours'

'Service to mankind is service to God'. As such, the most valuable service that a human being can give to another is to enable one to live an independent life with dignity, comfort and compassion.

In this perspective, on 10.06.16, Airport Police personnel hosted a tea party for the **inmates, mostly elderly persons of 'Couvent de Bon Secours', Rose Belle.** The event was prepared with enthusiasm and love as it was a mean to express our care, respect, gratitude and thank to our elders who have contributed in one way or the other for the development of our country. On this occasion, food items and groceries were also donated to the home. Sister Linda heartily thanked the Police for this laudable initiative.

*Insp J.P. Genave
NCG Rodrigues*

Kite Surfing Near Airport - A Jeopardy to Aviation Safety

Several complaints from the national aviation company were received about their concern attributed to Kite Surfing Operations which could compromise aviation safety in the vicinity of the line of approach of aircraft whilst landing at the Sir Gaetan Duval Airport, Rodrigues.

As an immediate response, the Officer in Charge of Rodrigues NCG convened a meeting with kite surfers/operators to sensitize them and make them conscious that their activities were interfering with aviation safety.

Rodrigues NCG has launched a campaign to sensitize kite surfers/operators whenever they are met with during sea patrols. However, this initiative only did not address the problem as complaints were still being received from the aviation company.

The operators unanimously agreed and pledged to shift to other sites for kite surf activities. No such complaint is now being received. Nonetheless, Further, regular follow-up sea patrols are being maintained in the region despite no surfing activities are being observed in the aircraft landing zone.

Social Activity by Sergeants on Cadre



On 08 June 2016, sixty-nine Temporary Sergeants following the Sergeants Development Course at the Police Training School, Beau Bassin were seen in their civic roles. They organised social activities comprising cleaning of the place and

entertainment program in favour of the inmates of Mère Teresa Convent, Roche Bois and Dr Chiranjiv Bhardwaj



Ashram, Belle Mare. A lunch was served by the Temporary Sergeants on that occasion.

In line with CP's Vision, this activity forms part of the Training Programme for the newly promoted sergeants and therefore will be an ongoing action for the other batches of the Sergeants Development Course.

Editorial Committee

Proclamation of Results of the Competitive Examination for Promotion to the Rank of Police Sergeants/ Woman Police Sergeants

On 19.04.2016, the wait for all those who took part in the Competitive Examination for Promotion to the Rank of Police Sergeant



ended. In fact, 345 Police Constables and 35 Women Police Constables were successful in the Competitive Examination held by the Disciplined Forces Service Commission on Saturday 7th November 2015.



They received their letter of offer for promotion from the Commissioner of Police on 23.04.2016.

Editorial Committee

Our warm and hearty congratulations to you all on your success and allow us to share your joy. We also take pride in your achievements and wish you plenty of success in your new assignment.

From all members of the Force

Obituary

Sno.	Name	Date
1	PC 4547 UJODHA Nirmal	16.04.2016
2	PC 6625 GUNESH Somduth Sharma	22.04.2016
3	TWPC 954 RAMTOHUL Dhanmatee	16.05.2016
4	CPL 2693 NOBEEN Bhagwanduth	26.05.2016
5	PC 1308 GANGADOO Vassen	02.06.2016

Sno.	Name	Date
6	TPC 3233 KHODABACCUS Mouhayyden Abdool Qadir	06.06.2016
7	CPL 1845 PERMAL Seewalingum	08.06.2016
8	PC 3046 MUNGUR Chetlallsingh	08.06.2016
9	WPC 798 MEWA Ourmila	08.06.2016

May their soul rest in Peace.....

OUR PEOPLE

Beesoo v The State (2016 SCJ 234)

EDUCATION



After a Plea of Guilty and before passing a custodial sentence, the Trial Court should hear the case, and the burden of proving its facts and circumstances rests on the Prosecution

The appellant was convicted before the District Court of Rivière du Rempart for two offences and the record of the proceedings read as follows:

“13/11/13

Accused present
Inspector Nursing SAH and sustains charge
Proceedings in creole
Decline to give statement
Case closed for prosecution
Accused is explained of his constitutional rights and he elects to remain silent.

Case closed for defence.

Judgment:

Found accused guilty as charged to both counts
Previous filed (Doc X)
(1 cognate admitted by accused)

In view of the guilty plea of accused and the fact that he has a case for driving under

the influence of alcohol (drinks), I think a custodial sentence is required in the present case in order for accused to understand the gravity of the present case.

Sentence

Accused is sentenced to pay a fine of Rs 20,000 and to undergo 3 months imprisonment under count I. Under count II accused is sentenced to pay a fine of Rs 5,000 + Rs 100 costs.

Further accused’s licence is cancelled and he is disqualified from obtaining/holding a licence for all types of vehicles for a period of 8 months.

Accused should bring his licence to this court within a period of 8 days for the necessary endorsement to be effected.

Sd. District Magistrate”

The main ground of appeal is the failure on the part of the trial Court to hear the appellant before passing sentence, which is contrary to the provisions of section 72 of the District and Intermediate Courts (Criminal Jurisdiction) Act.

First, the Court record suggests that the prosecution was invited to adduce evidence but did not do so in the absence of a statement from the accused. It was held that it wrongly suggests that the proof of the surrounding facts and circumstances of the offence ought to have

emanated from the accused. In criminal matters, the burden of proving facts and circumstances of the offence always rests on the prosecution and this burden does not shift on the accused even if he has pleaded guilty. Of course, the prosecution can rely solely on an admissible confession the accused may have made to the Police. But the prosecution should not fail to adduce any evidence in connection with the offence because of the absence of any statement of the accused.

Secondly, after the prosecution closed its case, the accused was explained his constitutional rights. In the absence of any detail of what the accused was then told, it cannot be said that the record clearly shows that his rights, which he had been told he enjoyed, included his right to adduce evidence or say anything in mitigation of sentence, if he so wished.

Thirdly, the learned Magistrate indicated under **the heading “Judgment”** itself that she was contemplating a custodial **sentence “in order for the accused to understand the gravity of the case”**. **Despite** this indication, before passing actual sentence, the record does not show if the accused was explained that he could adduce evidence in mitigation for what was going to be a custodial sentence.

In the light of the provisions of section 72 of the District and Intermediate Courts (Criminal Jurisdiction), it is a well-established principle of criminal justice that in order to enable the Court to decide on the appropriate sentence, irrespective of whether the accused has pleaded guilty or not guilty, there should be a proper hearing with a view to apprise the Court of the relevant facts and circumstances surrounding the offence and to give the accused an opportunity to express himself in mitigation.

The Court quoted the cases of (1) *Lachman v The State* [2012 SCJ 202], where emphasis on the well-established principle that “...before passing a custodial sentence, a trial Court should always ensure that there is sufficient evidence placed before it to make a judicious **exercise of its discretion**” and (2) *Tarachand v The Queen* [1971 MR 281] where it was noted that “... **there are no doubt cases where all the facts and circumstances sufficiently appear from the averment in the information to which an accused has pleaded guilty and where, consequently, there may be no necessity to hear any evidence to enable the Magistrate to assess the sentence, unless the accused wishes to bring to the notice of the Magistrate any other fact which may influence upon the sentence. Where, however, a bare**

*plea of guilty to an information does not provide any indication to the Magistrate as to the right measure of penalty which should be inflicted, and moreover does not allow an appellate court - where an appeal to come before it - to review the principle and the adequacy or otherwise of the penalty inflicted, the Magistrate should, and in particular when the Magistrate contemplates a term of imprisonment, hear such evidence as **may be necessary before passing sentence ...**”*

The Court further quoted the following observations from *Bhuttoo v. The Queen*, [1964 MR 48]: “**We desire however to impress upon magistrates the importance not only of ensuring that an accused party should be made aware without any ambiguity that he has a right to give evidence on his own behalf or make an unsworn statement from the dock and to call witnesses, but that the record should also show that he has been made aware of such rights.**”

In the light of the above, the sentence was quashed and the case remitted back to the learned Magistrate for sentencing anew after a proper and fair hearing in accordance with the relevant law and established principles.

C/Insp Moosoohur
CCID

It is better to risk saving a
guilty person than to
condemn an innocent one.

Workshop on Tobacco Control and Prevention



The World Health Organisation (WHO) has estimated that every year more than 600,000 non-smokers die as a result of exposure to second-hand tobacco smoke. With a view to protecting the health of non-smokers, Mauritius adopted the Public Health (Restriction on Tobacco Products) Regulation in 2008. The Mauritius Police Force, in turn, with its strategic objective of *‘Improving Quality Life’*, has organized five training workshops in collaboration with the NGO *‘Vie et Santé (VISA)’* at the Police Training School Beau Bassin in May and June 2016. A total of 197 Police Officers of different Units of the organisation were sensitized on: Global epidemic of tobacco; Promoting a smoke-free environment; and Enforcement of the different legislations in relation to tobacco products.

Half Day Workshop on “Voluntary observance of the Law and Legal implication of any Proscribed Behavior”



On Saturday 25.06.16, the Metropolitan Division (North) organized a Half Day workshop on **“Voluntary observance of the law and legal implication of any Proscribed Behavior”** at Ramalingar Illam Hall, Kaylassaon, Nicolay Road, Ste Croix.

The aim of the workshop was to sensitize the Civil Society on salient legal



issues affecting the society such as rights and interests of children, child abuse, domestic violence, runaway children, teen pregnancies and drug and substance abuse.

Some 150 leading members of the Civil Society of Port Louis North regions attended the workshop. Same was animated by distinguished personalities namely Learned Senior Magistrate Mrs. Shefali Naika Ganoo, Mrs. Rita Venkatasawmy, Ombudsperson for children, Mr. Rattan Jhoree, Child Welfare Officer and Police Inspector Rujub of ADSU.

Mr. K. M. Nobin, Commissioner of Police, PMSM, gave the kick off through an awesome speech over the importance of a law abiding



culture based on self discipline and individual efforts for betterment of society. The other animators, in turn, harped on the prevalence of social scourges such as child abuse, domestic violence and illicit drug abuse and sensitized civil society over concerted action hand in hand with the police and other authorities for an effective remedy. The workshop ended with a resounding success.

In recognition for their selfless service, Mr. M. Madhow, the Divisional Commander, remitted a token to the distinguished personalities.

*PS Devasagapillay
Metro Division (North)*

The Tonfa (4th Part)



The aggressor (left) is performing a knife attack from upwards aiming the Police Officer's body (right). The Police Officer has drawn out his tonfa baton and has applied a high block to defend himself.

The Police Officer (right) has hold the hand of the aggressor (left) and at the same time is applying a distraction technique by using his tonfa baton on the back of the wrist to gain control and at the same time to make the aggressor drop his weapon.



The Police Officer (right) has applied a wrist control with his left hand and at the same time is applying pressure on the chest of aggressor to bring him down to effect arrest.



The Police Officer (right) has brought the aggressor down by applying pressure on the aggressor's body to control him and performing an arrest technique by using tonfa baton on the shoulder of the aggressor.

