

FREQUENTLY ASKED QUESTIONS

What is DPP?

DPP stands for the **Director of Public Prosecutions** who is an official charged with the prosecution of criminal offences in several criminal jurisdictions in the Republic of Mauritius. The Director of Public Prosecutions is responsible for and exercise control over the conduct of prosecutions. In this respect, the Director is conferred independent powers in relation to criminal prosecutions, which may be exercised by him in person or through other persons acting in accordance with his general or specific instructions.

Who appointed the Director of Public Prosecutions (DPP)?

The Director of Public Prosecutions is appointed by the Judicial and Legal Service Commission and is a holder of a public office. He is a person qualified for appointment as a Supreme Court Judge and his security of tenure is similar to that of a Judge. In the exercise of the powers conferred upon him by the Constitution, the Director of Public Prosecutions is independent and he is not subject to the direction or control of any other person or authority.

Who is the DPP of Mauritius?

The Director of Public Prosecutions is Mr Satyajit Boolell, SC.

What are the powers of the Director of Public Prosecutions?

The powers Director of Public Prosecutions is governed by section 72 of the Constitution. It provides that:

- (3) The Director of Public Prosecutions shall have power in any case in which he considers it desirable so to do –
- (a) to institute and undertake criminal proceedings before any court of law (not being a court established by a disciplinary law);
 - (b) to take over and continue any such criminal proceedings that may have been instituted by any other person or authority; and
 - (c) to discontinue at any stage before judgment is delivered any such criminal proceedings instituted or undertaken by himself or any other person or authority.

- (4) The powers of the Director of Public Prosecutions under subsection

(3) may be exercised by him in person or through other persons acting in accordance with his general or specific instructions.

(5) The powers conferred upon the Director of Public Prosecutions by subsection (3)(b) and

(c) shall be vested in him to the exclusion of any other person or authority.

Provided that, where any other person or authority has instituted criminal proceedings, nothing in this subsection shall prevent the withdrawal of those proceedings by or at the instance of that person or authority at any stage before the person against whom the proceedings have been instituted has been charged before the court.

(6) In the exercise of the powers conferred upon him by this section, the Director of Public Prosecutions shall not be subject to the direction or control of any other person or authority.”

Also under sections 118 and 122 of the District and Intermediate Courts (Criminal Jurisdiction) Act:

s. 118 The Director of Public Prosecutions may prosecute any offender and cause the prosecution to be conducted under his direction by any officer of his department, or any person deputed by him.

s.122 Where a private prosecutor abandons the prosecution or wilfully neglects to carry on the prosecution in a proper manner, the Magistrate may stay proceedings and refer the matter to the Director of Public Prosecutions who may direct any officer to continue the prosecution and thereupon such prosecution may be continued by such officer without any change in the record being necessary.

Who the DPP can prosecute?

Section 118 of the District and Intermediate Courts (Criminal Jurisdiction) Act provides that the Director of Public Prosecutions may prosecute any offender and cause prosecution to be conducted, under his direction, by any officer of his department, or any person deputed by him. In this conjuncture, it is apposite to note that officers of the department of the Office of the DPP and who are under the direction of the DPP, are barristers who are styled State Counsels (with various ranks of seniority), but for ease of reference, will be referred to as state counsels.

What is the process of criminal prosecution?

The DPP’s website has a page which gives full information about the decision to prosecute

<http://dpp.govmu.org/English/AboutUs/Office%20of%20DPP/Pages/Prosecution-Process.aspx>

Who decides whether or not to prosecute and what charges to file?

Cases which involve contraventions and misdemeanours may be decided by the police. In more serious or complex cases, the Commissioner of Police would seek the advice of the Director of Public Prosecutions. The officers of the Office of the DPP (state counsels) would advise the case under the supervision of the DPP and decide whether a person should be charged with a criminal offence and if so what that offence should be.

How do they reach that decision?

For each case which is forwarded to the office of the DPP, the law officer will study the file and decide whether there is enough evidence and whether, in the public interest, prosecution is required. In that endeavour the Office of the DPP will see to it that the enquiry is not unduly delayed and prosecution promptly proceeded with.

What is the difference between a judicial enquiry and a preliminary enquiry?

Preliminary Enquiry	Judicial Enquiry
Section 115 of the Courts Act provides that where upon the hearing of an offence within his jurisdiction, the Magistrate is of opinion that the offence deserves a punishment which is beyond his jurisdiction or that the evidence discloses another offence which is not within his jurisdiction, the Magistrate may, with the consent of the Director of Public Prosecutions, proceed to hold a preliminary inquiry in accordance with the District and Intermediate Courts (Criminal Jurisdiction) Act.	Under S 110 (1) of the DIC (CJ) Act, where a person has (i) committed suicide (ii) been killed by another, or by an animal or by machinery or an accident (iii) died under circumstances raising a reasonable suspicion that some person has committed an offence or (iv) died in prison or while in custody of the police, a Magistrate may at the request of the DPP, hold a judicial enquiry into the cause of the death and circumstances connected with it. The Magistrate shall make or cause to be made such local inspections as circumstances may require and he may order the performance of a post mortem examination and even order that a body be disinterred if already interred. He shall then forward his findings to the DPP.

How to apply for certificate of Character?

How to get accessed to our monthly newsletters?

Our newsletters are published on the website of the Office of DPP on a monthly basis.