Communiqué

Re: Police enquiry in relation to a road accident involving Mr Yatindra Nath Varma and Mr Florent Jeannot

1. On 4th May 2013 there was a road accident along Rosier Avenue, Quatre-Bornes involving Mr Yatindra Nath Varma, then Attorney-General and Mr Florent Jeannot. The latter also reported that he was allegedly assaulted by Mr Yatindra Nath Varma and Mr Moonindra Nath Varma.

2. The Police enquired fully into the above case. On the basis of the Police enquiry, prosecution is advised against Mr Florent Jeannot for driving without due care and attention in breach of section 123C(1)(a) of Road Traffic Act and against Mr Yatindra Nath Varma for assault in breach of section 230(1) of the Criminal Code.

3. Regarding the alleged assault by Mr Moonindra Nath Varma the enquiry revealed that it was a distinct and separate assault on the basis of the statement given by Mr Florent Jeannot. Mr Florent Jeannot stated that he was given two or three slaps by Mr Moonindra Nath Varma after he was allegedly assaulted by Mr Yatindra Nath Varma. The persons interviewed during the enquiry could not identify the old man who allegedly assaulted Florent Jeannot. The latter identified Mr Moonindra Nath Varma through a photograph shown by the Police.

4. Having taken all the circumstances of the case, in particular

   - the nature of the assault,
   - the trivial role of Mr Moonindra Nath Varma,
   - the fact that there is no evidence that the alleged assault contributed to the injuries sustained by the victim,

   no prosecution is advised against Mr Moonindra Nath Varma.

5. The Police also enquired in an alleged conspiracy in the present case.

6. Under section 109 of the Criminal Code (Supplementary) Act, a conspiracy arises where there is an agreement to do an act which is unlawful, wrongful or harmful to another person or to use unlawful means in carrying out of an object which is not otherwise unlawful. The caselaw on this matter holds that it is essential for the prosecution to establish an agreement. There cannot be a conspiracy without the meeting of the minds of the co-conspirators although such agreement may come at a later stage (chain conspiracy).

7. Taking the evidence at its highest, the enquiry reveals that the protagonists never came to any agreement at all. There was never a consensus in respect of the withdrawal of the case upon payment of an agreed sum. Criminal liability for conspiracy will only arise where the parties have reached an actual agreement. Moreover, the Police enquiry, in so far as it relates to the assault case, was not hindered at all. The Police enquired fully in the assault case.

8. The enquiry falls short of disclosing a conspiratorial agreement to hinder the Police in their enquiry. No other offence is disclosed regarding that aspect of the enquiry

9. Consequently, no prosecution is advised against Honourable Reza Issack, Mr Maurice Allet, Mr Yatindra Nath Varma, Mr Mario Jeannot, Mr Yan Kevin Arithoppah, Mr Florent Jeannot and Mrs Marie Genevieve Jeannot on the alleged conspiracy.

10. Both Mr Yatindra Nath Varma and Mr Florent Jeannot have the right to a fair hearing before a court of law and caution should be exercised in commenting the above matter in any way that may jeopardise the conduct of the case.

Office of the Director of Public Prosecutions

16.04.2014