

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

**CRIMINAL CASE NO.: 067 OF 2009**

STATE

-v-

FAIYAZ KHAN

**Counsels** : Mr. F. Lacanivalu for the State

Mr. I Khan for the accused

Date of Trial : 28 October -31 October 2013

Date of Summing Up : 1 November 2013

Date of Judgment : 1 November 2013

**JUDGMENT**

1. The Accused is charged under following counts:

**COUNT 1**

***Statement of Offence***

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

***Particulars of Offence***

**FAIYAZ KHAN** s/o Mubarak Khan, on the 27<sup>th</sup> day of August 2008 at Sigatoka in the Western Division, knowingly and fraudulently uttered a Fiji Islands Revenue & Customs Authority cheque number 230415 in the sum of \$186,561.65 knowing the same to be forged.

## **COUNT 2**

### ***Statement of Offence***

**OBTAINING MONEY ON FORGED DOCUMENT**: Contrary to Section 345 (a) of the Penal Code, Cap 17.

### ***Particulars of Offence***

**FAIYAZ KHAN** s/o Mubarak Khan, on the 27<sup>th</sup> day of August 2008 at Sigatoka in the Western Division, obtained the sum of \$186,561.65 by virtue of a forged instrument namely Fiji Islands Revenue & Customs Authority cheque number 230415 knowing the same to be forged.

## **COUNT 3**

### ***Statement of Offence***

**MONEY LAUNDERING**: Contrary to Section 69 (3) (a) of the Proceeds of Crime Act, Cap 27.

### ***Particulars of Offence***

**FAIYAZ KHAN** s/o Mubarak Khan, on the 28<sup>th</sup> day of August 2008 at Ba in the Western Division, engaged directly in a transaction in particular the purchasing of hardware Materials from Bombay Trading (Investments) Limited with \$1,850.40 that was proceeds of crime, knowing that the aforesaid money was derived indirectly from an unlawful activity namely the forgery of Fiji Islands Revenue & Customs Authority cheque number 230415.

## **COUNT 4**

### ***Statement of Offence***

**MONEY LAUNDERING**: Contrary to Section 69 (3) (a) of the Proceeds of Crime Act, Cap 27.

### ***Particulars of Offence***

**FAIYAZ KHAN** s/o Mubarak Khan, on the 29<sup>th</sup> day of August 2008 at Lautoka in the Western Division, engaged directly in a transaction in particular the purchasing of hardware materials from Tubemakers & Roofmart (SP) Limited with \$5,860.63 that was proceeds of crime, knowing that the aforesaid money was derived indirectly from an unlawful activity namely the forgery of Fiji Islands Revenue & Customs Authority cheque number 230415.

**COUNT 5**

***Statement of Offence***

**MONEY LAUNDERING**: Contrary to Section 69 (3) (a) of the Proceeds of Crime Act, Cap 27.

***Particulars of Offence***

**FAIYAZ KHAN** s/o Mubarak Khan, on the 05<sup>th</sup> day of September 2008 at Sigatoka in the Western Division, engaged directly in a transaction in particular the purchasing of hardware materials from Multiline Distributors Limited with \$965.71, that was proceeds of crime, knowing that the aforesaid money was derived indirectly from an unlawful activity namely the forgery of Fiji Islands Revenue & Customs Authority cheque number 230415.

2. All three assessors unanimously found accused guilty of the above counts.
3. I direct myself in accordance with the law and the evidence which I discussed in my summing up to the assessors.
4. Considering the nature of the evidence before the court, I am convinced that the prosecution had proved the case beyond reasonable doubt.
5. I find the verdict of the assessors were not perverse. It was open to them to reach such a conclusion on the evidence. I concur with their verdict. Considering all, I find the accused guilty as charged in respect of Uttering forged document, Obtaining money on forged document and three counts of Money Laundering.
6. Accordingly I convict Faiyaz Khan for Uttering forged document under Section 343(1) of the Penal Code, Cap. 17, Obtaining money on forged document under Section 345 (a) of the Penal Code, Cap. 17 and three counts of Money Laundering under Section 69 (3) (a) of the Proceeds of Crime Act, Cap 27.

Sudharshana De Silva

**JUDGE**

**At Lautoka**

**01 November 2013**

**Solicitors for the State:  
Solicitors for the Accused:**

**Office of the Director of Public Prosecution  
Office of the Legal Aid Commission**