

**IN THE HIGH COURT OF FIJI
AT SUVA
CIVIL JURISDICTION**

Civil Action No. HBM 127 of 2025

BETWEEN: **FIJI INDEPENDENT COMMISSION AGAINST CORRUPTION** of the Republic of Fiji, Rev John Hunt House, 3 Saint Fort Street, Suva for and on behalf of the STATE.

APPLICANT

AND: **LAUKESH SANJAY RAJ** of Lot 6 SO 6621, Niuvula Crescent, Tacirua East.

RESPONDENT

AND: **HOME FINANCE COMPANY LIMITED** of HFC Centre, 371 Victoria Parade, Suva.

INTERESTED PARTY

Representation:

Plaintiff: Ms. M. Shankar (FICAC).

Respondent: Mr. M. Yunus (M.Y Law).

Interested Party: Mr. N. Lajendra (Lajendra Lawyers).

Date of Hearing: 19th January 2026

Ruling

A. Introduction

[1] The Respondent filed summons to strike out the pursuant to Order 18 Rule 18 of the High Court Rules 1988. The basis of the application is that Originating summons, ex-parte notice of motion and affidavit in support filed on behalf of the Applicant does not disclose a reasonable cause of action against the Respondent.

[2] The Applicant had sought on an ex-parte basis (Under Sections 19A and 19B of the Proceeds of Crime Act 1997) and were granted a restraining order on *i*Taukei Lease No 32738 known as Tacirua East Stage 2- Phase 2 Subdivision Lot 6 on SO 6621 situated at Niuvula Crescent, off Khalsa Road, Tacirua, Suva, a dwelling house that is triple storey with 11 flats.

B. Submissions

[3] The submission for the Respondent is that the application is based on a suspicion that the property subject of the restraining order is tainted property. That it was acquired through proceeds of crime. However, the Interested Party, HFC through its affidavit have shown that the Respondent acquired finance from them to obtain the property. It was no through proceeds of crime.

- [4] FICAC relied on the affidavit Akosita Vunileba, the investigating officer in the matter. They are protecting the property from disposal.
- [5] The submission for the HFC Bak was that the Respondent took a bank loan. He sought subsequent advances and was granted it by the bank. The monies were not tainted. Not a single shred of evidence in the affidavit of Akosita Vunileba that it was other source of funds or that the funds were proceeds of crime.

C. **Determination**

- [6] The originating summons filed by the Applicant seeks forfeiture orders over the property which they allege has been acquired through submission of false and/or incorrect information to Housing Authority. FICAC also allege that the land was acquired through submission of fraudulent documents. FICAC further alleges that the Respondent submitted fraudulent documents and information to HFC.
- [7] The position of FICAC is that the property was acquired through the commissioning of unlawful act/conduct of submitting fraudulent documents and information to both Housing Authority and HFC Bank. They are of the view that the property is tainted as it came into the Respondent's possession through unlawful act/conduct which falls within the ambit of the definition provided under Section 3 of the Proceeds of Crime Act 1997.
- [8] Section 19 A (1) of the Proceeds of Crime Act provides for an application for a restraining order where there are reasonable grounds to suspect that any property is property in respect of which a forfeiture order may be made under Section 19E or 19H.
- [9] Section 19E of the Proceeds of Crime Act provides that the court satisfied on balance of probabilities that the property is **tainted property**, may order that the property be forfeited to the State. The law gives court discretion to order forfeiture.
- [10] Section 3 of the Proceeds of Crime Act provides that "**tainted property**", "*in relation to serious offence or a foreign serious offence means -*
- (a) *property used in, or in connection with commission of the offence;*
 - (b) *property intended to be used in, or in connect with, the commission of the offence;*
 - (c) *proceeds of crime;*"
- [11] A serious offence is defined as "*an offence of which the maximum penalty prescribed by law is death, or imprisonment for not less than 6 months or a fine not less than \$500;*"
- [12] The Respondent is charged with False Representation contrary to Section 4 of False Information Act, as the first count, the alternative count being False or Misleading Documents, contrary to Section 335 of the Crimes Act. The second count is Using Forged Documents, contrary to Section 157 (1) of the Crimes Act.
- [13] The offences the Respondent charged with are all serious offences as defined under the Proceeds of Crime Act. The maximum penalty for each of the offences being imprisonment or fines exceeding 6 months and \$500.00.

- [14] The argument for the Respondent is that loan facility from HFC was utilized to acquire the property. FICAC has not disputed this. They do not dispute the bank funding the acquisition of the property and other subsequent funding. What FICAC is arguing and alleging is that the property in question was acquired through the fraudulent means and through forged documents. They allege that the Respondent knew of the conditions that Housing Authority lots were for first home owners and that the Respondent did not declare a jointly owned property. They also allege that the Respondent submitted fraudulent pay slip to Housing Authority.
- [15] “Proceeds of crime” is construed under Section 4 (1A). It covers both property and benefit. Tainted property according to Section 3 of the Proceeds of Crime Act not only covers “proceeds of crime”. It includes property used in or intended to be used in, or in connection or in connect with the commission of the offence.
- [16] The allegation in this matter is that the Respondent used fraudulent and forged documents in acquiring the property. The allegations that the Respondent is facing of fraud and forgery in the Magistrates Court are in relation to the property. Tainted property is broadly defined. It covers proceeds of crime. It covers any benefit and property derived from the proceeds of crime. It also covers property used in or intended to be used in or in connection or in connect with the commission of the offence. The Applicant alleges that the Respondent acquired the property through the commission of an offence. FICAC have charged the Respondent with various offences.
- [17] For the reasons I have given. I will dismiss the summons to strike out the action.

D. Orders

Summons seeking to strike out and dismiss the matter is dismissed.



A handwritten signature in blue ink, appearing to read "Chaitanya S. C. A. Lakshman". The signature is fluid and cursive.

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Hon Justice Chaitanya S. C. A. Lakshman
Puisne Judge

30th January 2026