

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

Civil Action # **HBM 111 of 2024**

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

PLAINTIFF

AND: **SARIKA DEVI RAJ** of Lot 16, Sivi Road, Caubati, Nasinu.

DEFENDANT

Appearances:

Plaintiff: Ms. L. Mausio (FICAC).

Defendant: Mr. M. Saneem. (Saneem Lawyers).

Date of Hearing: 11th September 2025

Judgment

A. Introduction and Background

[1] On 20th August 2024, FICAC filed originating summons and ex-parte summons. It accompanied an affidavit of Catherine Takinana. The ex-parte summons sought a restraining order be issued against a Toyota Rav 4 2019 model registered as SDRAJ with running number KI590 and VN # JTMW43FV90J020969. I heard FICAC, ex-parte on 28th August and granted the restraining orders that was sought.

[2] The originating summons sought:

‘1. *A DECLARATION on the property listed herein under to be TAINTED PROPERTY namely:*

(a) Toyota Rav 4 2019 model registered as SDRAJ with running number KI590 and VN # JTMW43FV90J020969.

2. *A FORFEITURE ORDER over the property listed above.*

3. *Any other order the Court sees fit; and*

4. *The cost of this application be cost in the cause.’*

The application is pursuant to Sections 19A- 19E of the Proceeds of Crimes Act 1997.

[3] An affidavit in opposition of the Defendant was filed on 14th July 2025.

B. The Law

- [4] The application before me is pursuant to **Sections 19A – 19E** of the **Proceeds of Crimes Act 1997**. Section 19E (1) is relevant and it gives this Court following an application by the DPP or FICAC, on a balance of probabilities to declare property as tainted property and order it to be forfeited to the State.
- [5] A person who has interest in the property has under section 19 (2) of the Proceeds of Crimes Act to satisfy the court that she/he has an interest; that he/she did not acquire the interest in the property as a result of any serious offence carried out by the person and had the interest before any serious offence occurred or acquired the interest for fair value after the serious offence occurred and did not know or could not reasonably have known at the time of the acquisition that the property was tainted property. The Court being satisfied shall order that the interest shall not be affected by the forfeiture order and the court shall declare the nature and extent of the interest in question.

C. The Submissions

- [6] The comprehensive written and oral submissions by Ms. Mausio and Mr Saneem is noted and considered.

D. Determination

- [7] The Plaintiff has premised the application seeking forfeiture of the motor vehicle that was owned by the Defendant, basing it on a business registered in the name of the Defendant supplying kava to RFMF. Investigations revealed that fraudulent payment vouchers were made out from RFMF to acquire kava. The argument for the Plaintiff is that the fraudulent transactions from RFM to the business owned by the Defendant allowed her to purchase the vehicle. Apart from arguing that the Defendant failed to declare her interest in the business to RFMF, nothing else is alleged against her. The investigations revealed that the fraud was committed by someone else.
- [8] The Defendant for her part revealed to the investigators that she had made it known to her superiors that she owned the business that was operated by her son. It is clear on the information and documents that the Defendant did not acquire the vehicle as a result of any serious offence by her. Kava was acquired from the business through someone else defrauding RFMF. It was not the Defendant who raised the LPR (Local Purchase Requisition) or as is alleged through forging the signatures of another. The kava for the ordered sum was acquired on behalf of RFMF. Whatever was ordered was supplied.
- [9] The income that was derived by the Defendant's business for the supply of the kava has not been shown to be tainted income. It was the same income which the Plaintiff alleged was a result of the Defendant acquiring the vehicle. The business supplied the kava on demand and was appropriately paid through the RFMF LPR. The Defendant was not involved in any decision making for the acquisition of the kava. She was not involved in any process. It is also evident that kava was preferred due to its quality. The RFMF internal investigations showed that the system was defrauded by someone else apart from the Defendant. The investigations also revealed that there was no collusion between the Defendant and that person.
- [10] After analyzing the affidavit evidence and the submissions, I hold on the balance of probabilities, that the vehicle is not tainted property. The Plaintiff's application is refused. The vehicle is to be immediately released to the rightful owner.

E. Court Orders

- (a) **The Plaintiff's application is refused.**
- (b) **Toyota Rav 4, 2019 Model, Registered as SDRAJ with running number KI590 and VN # JTMW43FV90J020969 is to be immediately released to the rightful owner.**



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



17th October 2025