

SUPREME COURT OF SEYCHELLES

Reportable

MC 28 of 2023

(Arising in XP 26 of 2023)

In the matter between:

THE GOVERNMENT OF SEYCHELLES

(rep by the Sophie Vel)

Applicant

and

RICHAEL RANNICK MOLLE

(rep by Mr. Joshua Revera)

1st Respondent

MURIELLE JENNY ALBERT

(rep by Mr. France Bonte)

2nd Respondent

LA BELLE CAR HIRE PTY LTD

(unrepresented)

3rd Respondent

EDEN SELF CATERING APARTMENT

PTY LTD

(unrepresented)

4th Respondent

Neutral Citation: *Gov of Sey v Molle and Ors* (MC 28/2023) (Arising in XP 26/2023) (1st July 2026)

Before: Burhan J

Summary: Disposal Order - Consent Application pursuant to Rule 11 of the Proceeds of Crime (Civil Confiscation) (Procedure) Rules, 2016 and section 19 of the Proceeds of Crime (Civil Confiscation) Act, 2008 (as amended)).

Heard: 03 June 2026

Delivered: 1 July 2026

ORDER

I therefore proceed to issue the following orders:

1. A Disposal Order in terms of Section 5(1) read with Section 19 of POCCA, directing that the whole of the following properties described in the Consent Application dated 03 June 2026, namely;

- a) The vehicle make Kia Picanto, colour white, bearing registration number S23122, estimated value of SCR 245, 00.00;
- b) The vehicle make Hyundai Grand i10, colour white, bearing registration number S7909, estimated value of SCR 285, 00.00;
- c) The vehicle make Suzuki Swift, colour silver, bearing registration number S2826, estimated value of SCR 250, 00.00.

be unconditionally transferred to the Republic.

2. I make further order that such transfer shall confer absolute title to the Republic free from any claim of any interest therein.
3. I further proceed to issue an order that Ms. Vickie Poussou, the Director of the Asset Management United of the Ministry of Finance, Economic Planning, Trade and Investment be appointed as the new Receiver, replacing the then Superintendent Neville Thaver as Receiver over of the property described in the schedule to the Consent Application.
4. I further order that copies of this order be served on the Respondents, the Seychelles Licensing Authority and any persons involved with the disposal of the specified property in line with the Disposal Order of this Court in MC 28 of 2023.

ORDER

BURHAN J

- [1] On 28 April 2023, Adeline J in XP 26 of 2023 made an interim order under section 3(1) of Proceeds of Crime (Civil Confiscation) Act (POCCA), in respect of the specified property set out in the Schedule to this Consent Application. In that, order Superintendent Neville

Thaver was appointed as the Receiver pursuant to section 8 of the POCCA to manage, keep possession of, and otherwise deal with the said property pending the determination of proceedings under the Act. A copy of the said order has been furnished to this Court by learned Counsel for the Applicant.

[2] The specified property in the schedule refers to the following:

1. A Kia Picanto vehicle, colour white, bearing registration number S23122, estimated value of SCR 245, 00.00;
2. A Hyundai Grand i10 vehicle, colour white, bearing registration number S7909, estimated value of SCR 285, 00.00;
3. A vehicle Suzuki Swift, colour silver, bearing registration number S2826, estimated value of SCR 250, 00.00;

[3] On 26 July 2023, the Court was moved to hear an amended notice of motion application dated 17 July 2023, seeking an interlocutory order under section 4 of the POCCA. Thereafter, prior to any interlocutory order being given, a Judgment by Consent was entered into between the Government of Seychelles and the then 1st Respondent, Mr Viraf Udwadia on the 26 July 2024.

[4] I have considered the facts set out in the Consent Application signed by the Applicant and the 1st and 2nd Respondents on the 03 June 2026, filed under section 19 of the POCCA.

[5] The Applicant and the 1st and 2nd Respondents in this Consent Application admit that Superintendent Neville Thaver has since ceased to be an employee of the Financial Crime Investigation Unit ("the FCIU") and it is therefore necessary to have another person appointed as a Receiver.

[6] It is further stated in the Consent Application that the Custody, Management and Disposal of Seized, Forfeited or Confiscated Properties Act, 2021 ("the AMU Act") that came into force on the 6th of October 2023, established the Asset Management Unit ("the AMU") within the Ministry of Finance pursuant to section 3 thereof. The functions of the AMU,

under section 4 of the AMU Act, include taking custody of, maintaining, and disposing of forfeited or confiscated properties and disposal of any property upon an order of the Court.

[7] It is also stated that the Custody, Management and Disposal of Seized, Forfeited or Confiscated Properties (General) Regulations, 2023 (the AMU Regulations), made under section 14 as read with section 10 of the AMU Act, provides that the AMU and its officers may do all things necessary for the securing and preservation of the value of properties under their custody and control. Disposal of such properties shall be guided by Standard Operating Procedures approved by the Minister, with due regard to *bona fide* third parties. Section 5(6) of POCCA provide that upon the making of a disposal order, the specified property shall transfer to the Republic or other person specified in the order.

[8] As per the Consent Application filed dated 03 June 2026, the Applicant, the 1st and 2nd Respondent have consented to resolve this matter on the terms set out herein;

a) The parties consent to the making of a Disposal Order pursuant to section 5, and Section 19 of the POCCA, directing that the specified property set out in the Schedule appended to this Agreement be transferred to the Republic.

b) The parties consent to the formal discharge of Superintendent Neville Thaver from his appointment as Receiver with effect from the date of the consent disposal order and appoint Miss Vickie Poussou, the Director of the Asset Management Unit of the Ministry of Finance, Economic Planning, Trade, and Investment, as the receiver of these properties.

c) The parties jointly request that this Consent Application be placed before the Honourable Court for the making of the orders contemplated herein pursuant to section 19 of the POCCA.

[9] It would be pertinent at this stage to set out section 19 of the POCCA which reads as follows:

Where in relation to any property-

(a) proceedings have been commenced seeking orders under this Act ; and

(b) an application is made to Court with the consent of all the parties concerned, the Court may pursuant to that consent, make any order it may make under this Act and, as regards a disposal order, it may make the disposal order subject to such terms and conditions as it may specify.

[10] The said Consent Application was read out in open court to the respective parties, including their lawyers. The 1st and 2nd Respondents admitted to understanding and signing the said document. I will proceed to accept the Consent Application as evidence placed before this Court, which is supported by the annexed document being the schedule of specified property and the section 3 order dated 28th April 2023 made by Adeline J, tendered to Court by learned counsel for the Applicant.

[11] I am also satisfied that there has been no objection by the Respondents that Miss Vickie Poussou, be appointed as the Receiver of the schedule properties and to replace Superintendent Neville Thaver as Receiver over of the property described.

[12] Learned Counsel for the Applicant informed Court that there is no application pending under section 4(3) of the POCCA before any Court in respect of the said property. This Court, having considered all the salient facts before it, is satisfied that no injustice will be caused to any person in terms of Section 5 (10) of the said Act, if the Disposal Order be given.

[13] I therefore proceed to issue the following orders:

1. A Disposal Order in terms of Section 5(1) read with Section 19 of POCCA, directing that the whole of the following properties described in the Consent Application dated 03 June 2026, namely;

d) The vehicle make Kia Picanto, colour white, bearing registration number S23122, estimated value of SCR 245, 00.00;

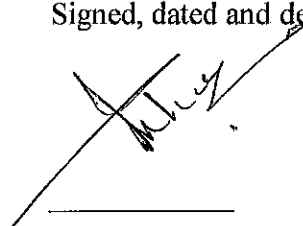
e) The vehicle make Hyundai Grand i10, colour white, bearing registration number S7909, estimated value of SCR 285, 00.00;

- f) The vehicle make Suzuki Swift, colour silver, bearing registration number S2826, estimated value of SCR 250, 00.00.

be unconditionally transferred to the Republic.

2. I make further order that such transfer shall confer absolute title to the Republic free from any claim of any interest therein.
5. I further proceed to issue an order that Ms. Vickie Poussou, the Director of the Asset Management United of the Ministry of Finance, Economic Planning, Trade and Investment be appointed as the new Receiver, replacing the then Superintendent Neville Thaver as Receiver over of the property described in the schedule to the Consent Application.
6. I further order that copies of this order be served on the Respondents, the Seychelles Licensing Authority and any persons involved with the disposal of the specified property in line with the Disposal Order of this Court in MC 28 of 2023.

Signed, dated and delivered at Ile du Port on 1 July 2026.



M Burhan J