

# Court visit report

[Law](#), [Court](#)



My first court visit was a civil appeal case under the hierarchy of appellant jurisdiction at the Intermediate court and my second visit was a criminal case under the original of criminal jurisdiction at the district court. Both courts are found in Port Louis, Mauritius. The difference between the two courts is that the appellant jurisdiction was already heard in a lower court whereas the criminal jurisdiction was heard for the first time in the lower court.

The atmosphere and the surrounding of the courts were nearly the same as both had magistrate seat and desk, advocate seat and desk, benches, microphones, speakers, air conditioning system, witness box, bright lighting system and smoke detector. The differences between the courts were that in the intermediate court there was a computer and in the district court there was an accused box. In the court of appeal, the magistrate; in a black gown behind his desk on the podium, was facing the people.

There was a court usher in a suit who was passing documents and evidences to the magistrate and a formally dressed person in front the computer who was recording the proceedings. Both lawyers in black gowns sat on the first bench. Just behind their lawyers, formally dressed, sat both claimant and defendant. Both the court of appeal and the district court function in nearly the same way. The only difference is that in the latter the accused had no lawyer to represent him and hence he sat with the audience. A quite friendly atmosphere prevailed in both courts.

Their ushers gave me the cases' histories, details and facts. In the court of appeal, the lawyers were exchanging words with their client and I even got the opportunity to interview the claimant, the defendant and even the

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lawyers. In the district court I interviewed the accused who was sitting next to me and was rather stressed. In each court, when the magistrate came, the people stood up to show respect and remained silent. In the court of appeal Mrs Bibi Fatima Rughoonauth filed a civil suit against the Commissioner of Police for unlawful arrest.

In the preceding civil case, she was accused of molesting a police officer on duty as “lichien (dog)”. When the proceeding started, the witnesses; all police officers in uniform, were individually called by the court usher so as to maintain confidentiality. Each witness went in the witness box and presented himself. The statement of police was read as evidence for cross examination. During interrogation, the magistrate even had to intervene once as the witness was not responding. During her interrogation of the witness, the defendant’s lawyer refuted the points raised by the plaintiff’s lawyer.

After the second witness’s interrogation, the third one came and the plaintiff’s lawyer questioned him in such a persuasive and enforcing way that he cracked under the strain and revealed the truth. Due to time constraint, no verdict was given and the case was postponed. In the district court, Mr Brado Michel Nicolas was prosecuted for breaching the road traffic act (amendment) 2003. The accused had a car accident and went to the police station to give his statement. He gave an alcohol test which came positive. Mr B. M. Nicolas; casually dressed, came in the accused box upon the court officer’s call.

He was asked by the magistrate to remove his hands from his pockets as such act caused disrespect to court. The magistrate asked Mr B. M. Nicolas if he pleaded guilty but the latter requested the magistrate if he could hear his

statement given in the police station once again. Then a police officer presented himself in front of the magistrate and read the statement of the witness in the witness box. Then Mr B. M. Nicolas pleaded guilty. The magistrate held the accused to pay a fine of Rs 3, 100 (three thousand and one hundred Mauritian rupees).

According to me it was a fair trial. Changes which I believe would help in maintaining order in the court and also its dignity are as follows:

1. A normal person, unaware of court functioning, should be briefed as when I was there, due to lack of information a witness went in the accused box and had to be guided to the witness box by the court officer.
2. Equipments in such an important and sensitive place as a court should be working properly since during my visit the microphones and speakers were not working and hence the court proceedings could not be heard properly.