

**Decision of the Complaints Committee in the matter of  
Mr. A. P. Mungroo v/s Radio Plus**

Present :        Mr. J. G. Ithier, S.C.  
                     Mrs. P. Roy  
                     Mr. R. Jogee

The complaint concerned a broadcast made on the 3<sup>rd</sup> October 2012 in the news bulletin of the respondent at 7 a.m. It was reported that the Cybercrime and IP Unit was inquiring into a case of fraud amounting to Rs 100,000 to the prejudice of a consultancy company. It then went on as follows:

*‘Hier matin, les enquêteurs ont procédé à l’arrestation d’un avoué de 53 ans habitant le sud de l’île. Il sera traduit devant la justice pour une mise en accusation aujourd’hui’.*

The complainant, who was assisted by Ms. W. Dulmar Ebrahim, stated that:

- a) he was the only solicitor residing in the South of the island;
- b) he was then 53 years old;
- c) he had never been arrested;
- d) he had never been charged before a court of law in respect of this case; and
- e) he was convened to give a statement by the Cybercrime Unit and the CCID, and he did so on the 2<sup>nd</sup> October 2012.

Learned counsel for the respondent did not cross-examine the complainant on those issues of fact. Since that statement was not challenged, the Committee accepts its correctness, and finds that the said broadcast was factually inaccurate and wrong.

The respondent has submitted that the Committee lacks jurisdiction because the complaint is not actionable. The Committee disagrees with this contention inasmuch as the complainant has been unfairly treated in the broadcast. By virtue of section 30(4) of the IBA Act, the Committee is empowered to adjudicate upon the matter.

The Committee concludes that the complaint is justified and proved. It recommends that the respondent be directed to air a statement in order to set the record straight.