

**IN THE MATTER OF PROCEEDINGS BROUGHT  
UNDER THE ECB'S ANTI-CORRUPTION CODE**

**Between:**

**THE INTERNATIONAL CRICKET COUNCIL**

**(on behalf of the Emirates Cricket Board)**

**and**

**MR KRISHAN KUMAR CHOUDHARY**

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**Decision pursuant to Article 5.1.12 of the ECB Anti-Corruption Code**

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**Introduction**

1. The International Cricket Council (the "ICC") is the international governing body for the game of cricket and as such is responsible for the development, co-ordination, regulation and integrity of cricket worldwide.
2. The Emirates Cricket Board (the "ECB") is the national federation responsible for the governance of the game of cricket within the UAE and an Associate Member of the ICC. As part of its continuing efforts to maintain the public image, popularity and integrity of cricket, and in particular to take the strongest possible stand against the scourge of match-fixing, as well as its obligations as a Member of the ICC, the ECB adopted and implemented the ECB Anti-Corruption Code for Participants (the "Code"). The Code sets out the details of the conduct that, if committed by a Participant in relation to a Domestic Match, will be considered an offence under the Code. It also provides a range of sanctions that are to be imposed in the event of the commission of an offence, and sets out the disciplinary procedures to be followed where an offence is alleged.
3. The ICC's Integrity Unit (the "IU") was appointed by the ECB as the Designated Anti-Corruption Official for the purposes of the Code at the 2021 edition of the Abu Dhabi T10 League (the "ADT10"), a T10 cricket competition scheduled to be played in Abu Dhabi and thus under the jurisdiction of the ECB. Consequently, all powers designated to the ECB and/or the Designated Anti-Corruption Official ("DACO") under the Code (including but not limited to the conduct of investigations, charging and provisional suspension decisions, and the conduct of disciplinary proceedings) were delegated by the ECB to the ACU. On the basis of this appointment and delegation, the ICC has been authorized to conduct any disciplinary proceedings arising out of the ADT10 on behalf of the ECB.

4. Mr Choudhary is an Indian businessman with interests in property development, Bollywood movies and nightclubs, amongst others. In addition, Mr Choudhary has an interest in cricket, having invested in various cricket franchises, including the Karnataka Tuskers, a team participating in the ADT10 (which changed its name to the Pune Devils before the start of the 2021 edition of the event), which he was the co-owner for, and the Pearl Gladiators (in the 2019 Qatar T10).

#### **Status as a Participant bound by the Code**

5. At all material times, Mr Choudhary constituted a Participant for the purposes of the Code by virtue of his role as one of the team owners of the Pune Devils franchise, a role he held until at least 10 June 2021. As such, Mr Choudhary was automatically bound by the Code and agreed, among other things, (i) to comply with the Code; (ii) not to engage in conduct that would constitute a breach of the Code; and (iii) to submit to the jurisdiction of the applicable bodies under those rules, including the Code, to investigate apparent or suspected Corrupt Conduct that would amount to a violation of the Code and to hear and determine any consequent breaches of those rules and related issues.

#### **Summary of relevant background facts set out by ICC**

6. In its role as the DACO for the ADT10, following various pieces of intelligence received, the ICC ACU commenced an investigation into one of the teams in the event, the Pune Devils (previously named the Karnataka Tuskers). As part of this investigation, information came to light which suggested that the owners of the relevant team were making approaches to various Participants regarding Corrupt Conduct.
7. As Mr Choudhary was one of the owners of the relevant team, the ACU considered it prudent to interview him on the basis of this intelligence.
8. Mr Choudhary attended an interview with the ACU on 28 January 2021, during which interview he was served with a Demand pursuant to Article 4.3 of the Code. This Demand required that he surrender all of his mobile devices to the ACU as they believed that the devices might contain information relevant to the investigation.
9. In response to the Demand, Mr Choudhary stated that he only had one mobile device, did not have an Indian mobile number, agreed to surrender that device to the ACU, and, after seeking advice from his lawyer, consented to the ACU reviewing and downloading that device.
10. The ACU analysed the device that Mr Choudhary had surrendered, finding evidence that suggested that the device was not his, but was his son's phone. For example, the handset was registered in his son's name, the WhatsApp profile was his son's, the Dubai telephone number that Mr Choudhary said was his was saved in the phone under the name 'Papa Dubai', and there were call logs showing calls made from that phone to the Papa Dubai number.
11. Mr Choudhary attended further interviews with the ACU, in which it was put to him that the first phone he had surrendered was not actually his device. In response, Mr Choudhary reiterated that

the device was his, but on occasions his son used it because, on medical advice, his son was told not to have his own mobile device.

12. In this subsequent interview, Mr Choudhary handed over a second mobile device. He advised the ACU that this device had been in his hotel room at the time of his first interview despite the fact that the Demand served on 28 January 2021 required him to hand over all of his mobile devices.
13. The analysis of this second device produced results which were in stark contrast to the analysis of the first device. In particular, information was recovered from this second device which clearly linked it to Mr Choudhary. This included data that showed that the device was associated with Mr Choudhary's own email address, the WhatsApp profile was linked to his name and his UAE phone number and various documents and information (such as flight tickets) were found which were in his name.
14. A further Demand was issued to Mr Choudhary on 7 February 2021 in which he was required to produce various documentation. After some correspondence with the ICC, Mr Choudhary produced some of the requested documents.
15. In September 2021, Mr Choudhary requested a further interview with the ACU. In this interview, Mr Choudhary told the ACU that he believed his team co-owner, Mr Parag Sanghavi, might have been betting on various cricket matches.

#### **Relevant Provisions of the Code**

16. Code Article 2.4.6 makes the following an offence:

*“failing or refusing, without compelling justification, to cooperate with any investigation carried out by the Designated Anti-Corruption Official in relation to possible Corrupt Conduct under this Anti-Corruption Code (by any Participant), including (without limitation) failing to provide accurately and completely any information and/or documentation requested by the Designated Anti-Corruption Official (whether as part of a formal Demand pursuant to Article 4.3 or otherwise) as part of that investigation.”*

17. Code Article 2.4.7 makes the following an offence:

*“obstructing or delaying any investigation that may be carried out by the Designated Anti-Corruption Official in relation to possible Corrupt Conduct under this Anti-Corruption Code (by any Participant), including (without limitation) concealing, tampering with or destroying any documentation or other information that may be relevant to that investigation and/or that may be evidence of or may lead to the discovery of evidence of Corrupt Conduct under this Anti-Corruption Code.”*

18. Code Article 2.4.5 makes the following an offence:

*“failing or refusing to disclose to the Designated Anti-Corruption Official (without unnecessary delay) full details of any incident, fact or matter that comes to the attention of a Participant that may evidence Corrupt Conduct under this Anti-Corruption Code by another Participant, including (without limitation) approaches or invitations that have been received by another Participant to engage in conduct that would amount to a breach of this Anti-Corruption Code.”*

### **Disciplinary Proceedings**

19. On the basis of the above facts, on 19 September 2023, the ICC (acting on behalf of the ECB) charged Mr Choudhary with a breach of Article 2.4.6 of the Code as follows:

*Charge No. 1 – Breach of Article 2.4.6 of the Code, in that he failed or refused, without compelling justification, to cooperate with the Designated Anti-Corruption Official’s investigation in relation to possible Corrupt Conduct under the Code, including (without limitation) failing to provide accurately and completely any information and/or documentation requested by the Designated Anti-Corruption Official (whether as part of a formal Demand pursuant to Article 4.3 or otherwise) as part of such investigation.*

*Charge No. 2 - Breach of Article 2.4.7 of the Code, in that he obstructed or delayed the Designated Anti-Corruption Official’s investigation in relation to possible Corrupt Conduct under the Code (by any Participant), including (without limitation) by concealing, tampering with or destroying any documentation or other information that may be relevant to that investigation and/or that may be evidence of or may lead to the discovery of evidence of Corrupt Conduct under the Code.*

*Charge No. 3 - Breach of Article 2.4.5 of the Code, in that he failed to disclose to the Designated Anti-Corruption Official full details of an incident, fact or matter that came to your attention which may evidence Corrupt Conduct under the Code by another Participant.*

20. Mr Choudhary was provisionally suspended at the time of the charge pending the outcome of the disciplinary proceedings.
21. Mr Choudhary responded to the Notice of Charge, denying the charge, contesting the allegations against him, submitting evidence in his defence, and exercising his right for the charges to be determined by an Anti-Corruption Tribunal. As such, the charges were referred to an Anti-Corruption Tribunal established under the Code with both parties submitting one round of written submissions to support their case.
22. However, further to without prejudice discussions under the scope of Article 5.1.12 of the Code, by way of a letter agreement dated 8 July 2024 (and countersigned on 5 August 2024), Mr Choudhary admitted that he had breached Articles 2.4.5 and 2.4.6 (i.e. Charges No. 1 and 3) in exchange for reaching the following agreement with the ICC on the appropriate sanction to be imposed in respect of those charges. As a consequence, the ICC has agreed not to pursue Charge No. 2, with such charge being deemed withdrawn. Further, Mr Choudhary has waived his right to a hearing before the Anti-Corruption Tribunal.

23. This decision is issued pursuant to Code Article 5.1.12 and sets out the sanction proposed by the ICC (on behalf of the ECB), and accepted by Mr Choudhary.
24. Upon notification of this Agreed Sanction to the appointed Anti-Corruption Tribunal, the proceedings before the Anti-Corruption Tribunal are to be discontinued with immediate effect.

#### **Agreed Sanction**

25. Code Article 6.2 stipulates that the range of permissible sanctions for a breach of Code Articles 2.4.5 and 2.4.6 is a period of Ineligibility of a minimum of six (6) months and a maximum of five (5) years, and for Code Article 2.4.7 a period of ineligibility up to a maximum of five (5) years.
26. Code Article 6.1 sets out the relevant factors that an Anti-Corruption Tribunal would be required to consider in determining the relative seriousness of the offence and thereby arriving at an appropriate sanction within that range.
27. It is acknowledged by the ICC that any sanction imposed must be proportionate. In considering what is proportionate, the ICC is entitled to weigh against the impact of a ban on Mr Choudhary the importance of the objectives underlying the Code, the seriousness of the particular breach of the Code by Mr Choudhary, the need to deter others from similar wrongdoing, the need to protect the image of sport of cricket, and (above all else) the need to maintain public confidence in the determination of the sport of cricket to stamp out corruption.
28. The ICC notes that in order to seek to adequately and effectively protect the sport of cricket against the threat of corruption, the obligation on Participants to cooperate with an investigation and provide any information which may be relevant is key to the ICC being able to fully and properly investigate allegations of Corrupt Conduct.
29. Relevant mitigating factors in Mr Choudhary's case include the following:
  - 29.1. Mr Choudhary's previous good disciplinary record;
  - 29.2. The fact that the offences did not substantially damage the commercial value and/or public interest in the relevant matches;
  - 29.3. The fact that the offences did not affect the outcome of the relevant matches; and
  - 29.4. The fact that Mr Choudhary's investment into the Pune Devils franchise and other franchise teams has been put on hold since the ADT10 2021 and thus Mr Choudhary has not been able to do anything, or realise, his investments in such teams. Indeed, his investments have suffered loss.
30. The ICC does not consider that any of the aggravating factors listed in Code Article 6.1.1 are relevant in Mr Choudhary's case.

31. The ICC has considered all of the circumstances of this case, including giving Mr Choudhary credit for agreeing an outcome that avoids the need for a hearing and so saves considerable time and money for use elsewhere in the fight against corruption, and has considered relevant precedents. The ICC therefore considers that a period of ineligibility of two (2) years, of which twelve (12) months is suspended, is reasonable and proportionate.
32. In order to avoid the twelve (12) month suspended part of the sanction coming into effect, Mr Choudhary must comply, in full, with the following conditions during the period of the initial 12-month period of suspension:
  - 32.1. He must not commit any offence under the Code (or any other anti-corruption rules of the ICC or any other National Cricket Federation) during the initial period of suspension.
  - 32.2. He must participate promptly and fully in any anti-corruption education and/or rehabilitation programmes as specified by the ICC.
33. Mr Choudhary has agreed to this sanction. As such, a period of ineligibility of two (2) years, of which the final twelve (12) months is suspended, is imposed.
34. In accordance with Code Article 6.4, Mr Choudhary's period of ineligibility shall commence on the date of this decision with credit being given for the period of provisional suspension he has served since 19 September 2023. Provided he satisfies the conditions set out in paragraph 32 above, Mr Choudhary's period of Ineligibility will therefore end on 19 September 2024, whereafter he will be re-eligible to participate in official cricket.
35. During his period of ineligibility, Mr Choudhary's status is as set out in Code Article 6.5 of the Code. This provides:

*“No Participant who has been declared Ineligible may, during the period of Ineligibility, play, coach, officiate or otherwise participate or be involved in any capacity in any capacity in any Match or any other kind of function, event or activity (other than authorized anti-corruption education or rehabilitation programs) that is authorized, organized, sanctioned, recognized or supported in any way by the ICC, a National Cricket Federation, or any member under the jurisdiction of a National Cricket Federation, or receive accreditation to provide media or other services at an official venue or Match. The ICC and other National Cricket Federations shall take all reasonable steps within their powers to give effect to this Article 6.5 to the extent that they have the jurisdiction, power or ability to do so.”*
36. In accordance with Code Article 7.2 neither Mr Choudhary nor the ICC/ECB shall have any right of appeal against this decision.

## **Conclusion**

37. To summarise:

- 37.1. Mr Choudhary admits that he has committed breaches of Code Articles 2.4.5 and 2.4.6 in terms of Article 5.1.12 of the Code
- 37.2. A period of Ineligibility of two (2) years, of which twelve (12) months is suspended, is imposed pursuant to Code Article 6.2, commencing on the date of this decision, with credit being given for the period of provisional suspension served since 19 September 2023.
- 37.3. Mr Choudhary's status during the period of Ineligibility is as set out in Code Article 6.5. Mr Choudhary will therefore be re-eligible to participate in all official cricket ventures from 19 September 2024. and there shall be no further restrictions placed by the ICC on him thereafter.
- 37.4. The proceedings before the Anti-Corruption Tribunal shall be discontinued with immediate effect.
- 37.5. This decision constitutes the final decision of the ICC (acting on behalf of the ECB) in this matter. In accordance with Code Article 8.2, this decision will be disclosed publicly, including on the ICC's website.
- 37.6. There is no need for any further hearing in these proceedings, which are hereby terminated.

**Dubai, 5 August 2024**