

IN THE SEYCHELLES COURT OF APPEAL

CORNELIA VANKOESVELD

APPELLANT

V/S

THE REPUBLIC

RESPONDENT

Criminal Appeal No. 5 of 1995

Before Goburdhun, P ., Silungwe and Ayoola, JJA.

Mr. B. Georges for the appellant

Mrs. A. Antao for the Respondent



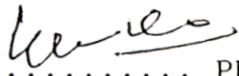
JUDGMENT OF THE COURT

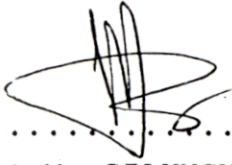
Upon his own plea of guilty, the appellant was convicted by the learned Chief Justice of discharging oil at sea contrary to regulation 3(1) of the Maritime Zones Regulations (Statutory Instrument No. 15 of 1981) as read with section 12(1) of the Maritime Zones Act. He was sentenced to a fine of SR.50,000 and, in default, to a term of imprisonment for three months.

The facts of the case are that the appellant is the Master of a ship M.V. Fenland which was anchored in Port Victoria in February 1995. While the appellant was pumping waste water from a bilge tank where waste water and oil get deposited, he unintentionally discharged oil into a prohibited area. This inadvertent discharge was attributed to a failure of an oil separating device.

The appellant's appeal is against sentence which his learned counsel submits is manifestly excessive and harsh, in view of the fact that the discharge was allegedly accidental. He contends that the learned Chief Justice fell into error in passing a sentence that did not reflect the actual crime committed and, in support of his submission, cites two 1991 Supreme Court cases namely, The Republic

Dated this ^{Hand} 1st day of February, 1996.


..... PRESIDENT
(H. GOBURDHUN)


..... JUSTICE OF APPEAL
(A.M. SILUNGWE)


..... JUSTICE OF APPEAL
(E.O. AYoola)