

IN THE SEYCHELLES COURT OF APPEAL

LEWIS LETOURDIE

APPELLANT

VERSUS

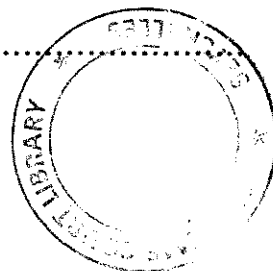
THE REPUBLIC

RESPONDENT

Criminal Appeal No. 3 of 1997

(Before: GOBURDHUN P., AYOOLA, VENCHARD J.J.A.)

Mr. A. Juliette for the Appellant
Mr. A. Fernando for the Respondent



J U D G M E N T
Delivered by Venchard J.A


This is an appeal from a judgment of the learned Chief Justice convicting the Appellant on a charge of Defilement of a girl under the age of 13 years in breach of Section 13691) of the Penal Code and sentencing him to undergo a term of imprisonment of 4 years. The appeal is against sentence only.


Mr. Georges, for the Appellant, submitted that the sentence was harsh in view of the mitigating circumstances surrounding the commission of the offence. He drew attention to the fact that the girl has had previous sexual experience. She had orchestrated the picnic at Fairy Land where the offence was committed. She also did not report the incident to her mother and told her lies regarding the manner she had spent her time on the day of the commission of the offence.

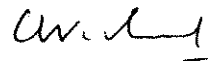
It is a well-established principle that an Appellate Court will not readily reduce a sentence unless it is manifestly harsh and excessive. In the present case the Chief Justice clearly took into account all mitigating factors

~~in the case.~~ He is fully aware of the local context, the prevalence of sexual offences, the need to protect young girls, even against themselves, and the deterrent effect of the sentence.

In those circumstances we are not prepared to intervene as the sentence is neither harsh nor excessive. The appeal is dismissed ~~with costs.~~ *le*


H. GOBURDHUN
PRESIDENT


E. O. AYoola
JUSTICE OF APPEAL


L. E. VENCHARD
JUSTICE OF APPEAL

Dated this ^{2nd} day of ^c *April* 1997.