

IN THE SEYCHELLES COURT OF APPEAL

GARY ALBERT

APPELLANT

Versus

THE REPUBLIC

RESPONDENT



Criminal Appeal No:25 of 1997

[Before: Goburdhun, P., Silungwe & Ayoola J.J.A]

.....
Mrs. N. Tirant for the Appellant

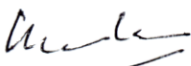
Mr. A. Fernando for the Respondent


JUDGMENT OF THE COURT


1. The appeal in respect of the first count is allowed. The conviction and sentence on the first count for the offence of trafficking is set aside. In place therefor is substituted pursuant to Section 26(2) of the Misuse of Drugs Act (Chapter 133) a conviction for possession of a controlled drug contrary to Section 6 of the Misuse of Drugs Act (Chapter 133) and sentenced to a term of 3 years imprisonment for that offence.
2. The appeal against conviction and sentence on the second count is dismissed.
3. Sentences are to run consecutively.

Reasons to follow.

Dated at Victoria, Mahe this ^{9th}..... day of *April* 1998.


H. GOBURDHUN
PRESIDENT


A.M. SILUNGWE
JUSTICE OF APPEAL


E.O. AYoola
JUSTICE OF APPEAL

*Handed down
Adon JA*