

## IN THE COURT OF APPEAL OF SEYCHELLES

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### **Reportable**

[2021] SCCA 6  
SCA CR 26/2019  
(Appeal from CO 01//2018)

**Jean-Yves Dodin**  
(rep. by Mr. France Bonte)

**Appellant**

and

**The Republic**  
(rep. by Hemanth Kumar)

**Respondent**

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**Neutral Citation:** *Dodin v R* (SCA CR 26/2019) SCCA 6  
**Before:** **Fernando P, Twomey JA, Robinson JA**  
**Summary:** Appeal against a sentence of 7 years' imprisonment imposed on conviction for the offence of robbery with violence  
**Heard:** 6 April 2021  
**Delivered:** 30 April 2021

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### **ORDER**

Appeal against sentence dismissed

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### **JUDGMENT**

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#### **FERNANDO P**

1. The Appellant has appealed against the sentence of 7 years' imprisonment imposed on him on his conviction after trial for the offence of robbery with violence contrary to section 280 of the Penal Code. According to section 281 of the Penal Code, the punishment specified for the offence is liability to imprisonment for life.
2. The Appellant's Counsel in the grounds of appeal filed against sentence, had said that "the sentence is harsh and excessive in all the circumstances of the case" and

has prayed for a reduction of sentence. He did not in his Skeleton Heads of Arguments or at the hearing elaborate on this. He left the matter to this Court to decide,

3. The Appellant and two others had been charged before the Supreme Court according to the formal charge preferred against them, that on the 01<sup>st</sup> of January 2018, that, they, with common intention attacked the shopkeeper of Maruthi Store situated at Grand Anse and his employee, and robbed SR 7000 in cash.
4. The learned Trial Judge found all three accused guilty as charged after a full trial and sentenced all three of them for periods of seven years' imprisonment.
5. The Probation report called for by the Sentencing Judge revealed that the Appellant was a drug user at the time of the commission of the offence and that the offence had been committed in pursuance of this habit. The Appellant is 25 years old with no dependents. He is a first-time offender. These are matters, the learned Sentencing Judge had referred to in his Sentencing Order.
6. According to the Sentencing Judge "violence and the concerted action of the convicts are aggravating factors to be considered" in determining the sentence to be imposed. The learned Sentencing Judge had also stated: "The Court should strive to find a balance between punishment and rehabilitation of offenders. The court must also protect society at large from the harm caused by such unwarranted and criminal acts".
7. Having given consideration to both the aggravating and mitigating factors the learned Sentencing Judge had imposed a sentence of 7 years on all three convicts. It is only the Appellant who had appealed against the sentence. Despite the recommendation for leniency in respect one of the other convicts in the Probation

Report, the learned Sentencing Judge had imposed the same sentence for all three convicts as he rightly found that such would create a disparity in sentencing.

8. It is trite law that an appellate Court will not interfere with a sentence imposed by the trial court unless there are the, often repeated 4 established grounds for doing so. This Court had also pronounced that it would not interfere with a sentence unless it is 'manifestly harsh and excessive'. In this case I am of the view that the Appellant who was liable to have been given a sentence of life imprisonment, had got away lightly. I am in agreement with the Sentencing Judge's statement that "The court must also protect society at large from the harm caused by such unwarranted and criminal acts."
9. I therefore dismiss the appeal against sentence.

Signed, dated and delivered at Ile du Port on 30<sup>th</sup> day of April 2021.

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Fernando, President

I concur

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Twomey JA

I concur

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Robinson JA