

# **IN THE SUPREME COURT OF SEYCHELLES**

**THE REPUBLIC**

**VERSUS**

NIGEL NORAH & ORS

**ACCUSED**

Criminal Side No 121 of 2003

Mr R. Govinden for the Republic

Mr W.Hermine for the 1<sup>st</sup> Accused

Mr W. Lucas for the 2<sup>nd</sup> Accused

Mrs. A. Antao for the 3<sup>rd</sup> and 4<sup>th</sup> Accused

## **RULING**

**B.Renaud**

The accused stands charged with the offences of unlawful possession of forged bank notes and conspiracy to import forged bank notes. The case has been set for trial starting on 7<sup>th</sup> July, 2004. The accused is seeking a variation of the order for remand made by this Court on 12<sup>th</sup> May, 2004 which has been extended thereafter.

At the sitting of this Court on the 12<sup>th</sup> May, 2004, the then Learned Counsel for the accused Ms K. Domingue made lengthy and detailed submissions when resisting the application of the Prosecution to have the accused remanded. The Court after giving very careful considerations of the submissions of both Counsels and assessing the circumstances surrounding this matter, particularly the conduct of the accused who absconded and fled the Republic when he was fully aware that he was to be charged for these offences. The Court concluded that the accused acted in bad faith thus losing the trust of the Court that he is a person who will honour his words and will respond accordingly and abide by any order that this Court may make. The Court was hesitant to rely on any undertaking that such accused person may give and therefore remanded him in custody until the completion of the trial.

Before this Court Mr. W.Herminie who is now the Counsel for this accused has moved this Court once again to order the release of the accused on bail on the grounds that the accused has since learned his

lesson and is begging the forgiveness of this Court for his behaviour and that if he is released on bail, he is prepared to abide by all the conditions set out by this Court.

Learned Counsel for the prosecution vehemently objected to this application and urged the Court not to accede to the request of the accused. Basically, the accused has shown by his previous conduct that he is not to be relied upon when it comes to responding to the process of the law. He deliberately absconded when he was fully aware that he would be required to answer criminal charges and went overseas and stayed there. When he returned to Seychelles he did not report to the authorities but instead stayed away until he was arrested by the Police and taken to Court.

I have given careful consideration to the Application and submissions of Counsel for the accused and also taken into consideration the circumstances surrounding the dispositions of this accused based on previous experience, as submitted by Counsel for the prosecution. Trust once lost is indeed very difficult to be regained in a very short period of time. I do not believe that sufficient cause has been shown to necessitate the variation of the order previously made by this Court. The Application is accordingly dismissed and the accused will continue to be remanded in custody.

The accused is remanded for a further 14 days in custody. He will have to appear before the Court on 24<sup>th</sup> June, 2004 at 1.45 p.m.

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B.RENAUD

**JUDGE**

Dated this 11<sup>th</sup> day of June 2004

