

IN THE SUPREME COURT OF SEYCHELLES

THE REPUBLIC

VS

1. GARRY LABROSSE

2. JULIEN BARRA

Criminal Side No.48 of 2004

Mr. R Govinden for the Republic

Mr. A. Juliette for the accused

Accused - Present

SENTENCE

The two accused were each charged with two counts of robbery contrary to section 281 as read with section 23 and punishable under section 281 of the Penal Code.

The two accused pleaded guilty to both charges and were convicted accordingly.

The facts of the case as submitted by the Prosecution are that the two convicts on 21st of April, 2004 at Pointe Larue, Mahe robbed one Mr. Paul Latulipe the sum of SR35, 689.50. At or immediately before and/or after the time of such robbery the two convicts were armed with a knife. The convicts took a vehicle from Victoria and traveled to Pointe Larue Petrol and Service Station owned by Mr. Latulipe, where the incident happened. The two convicts went to that place for the specific purpose of committing the offence. There they waited and at an opportune time in the night, entered the office where the owner of the station and two other employees had

counted the day's sales amounting to SR35, 689.50. The convicts armed with a machete threatened the three persons with the machete and ordered them to hand over all the money. They grabbed the money and fled.

Later that same evening the two convicts went to Quincy Street in Victoria near a public bar known as "Plaza" bar. At one point in time one Mr. Robin Rousseau came out of the bar and the two convicts together with another violently attacked Mr. Rousseau and stole from him a mobile phone and RS.5,000. In the process the victim, Mr. Rousseau was assaulted with a bottle and fell unconscious to the ground. The two convicts together with another person took a taxi and fled. The two convicts and the other person were arrested later that same evening.

The Police following a search at the respective residence of the two convicts recovered the total sum of SR.13, 580.00. The mobile phone of Mr. Rousseau was later recovered elsewhere by the Police.

In mitigation, Mr. A. Juliette Learned Counsel for the convicts submitted that the two convicts have pleaded guilty thus showing remorse and contrition. By pleading guilty they have also saved time of the court. He submitted that the Court should take into consideration when passing sentence.

This Court is fully aware and takes note that for some time there has been a spate of robbery and similar offences occurring throughout the country. Citizens were living in fear and Police had to deploy extra resources in order to address the problem. The two convicts in one night undertook to commit

two similar crimes at two different locations. This shows how daring they were to flout the law. Nothing less than custodial sentence is called for in the circumstances.

This court is satisfied that the two convicts, as they have admitted, robbed the victim SR.35, 689.50. After careful consideration, the Court was, in addition to a custodial sentence, mindful of imposing a fine of SR.12, 000.00 on each of the two convicts out of which the victims would be compensated, pursuant to Section 151 of the Criminal Procedure Code. The Court particularly invited the two convicts to be heard and to show cause why the said fine should not be imposed and the victims be compensated the said fines. The convicts in person and through Counsel signified that they have no cause to show and have no objections.

I sentence Mr. Garry Labrosse, under count I to undergo a term of six(6) years imprisonment and in addition to pay a fine of twelve thousand Seychelles Rupees (SR.12,000.00). The fines imposed shall be paid within two years after serving the prison sentence and in default two (2) years imprisonment.

Under count II I sentence Mr. Garry Labrosse to undergo a term of six (6) imprisonment.

The two prison sentences shall run concurrently and shall take effect from the time the accused was remanded in custody, that is 27th April, 2004. Pursuant to Section 151 of the Criminal Procedure Code, Cap.54, I order that

out of the said fines when paid, Mr. Paul Latulipe shall be compensated in the sum of SR.11, 000.00.

I sentence Mr. Julienne Barra, under count I to undergo a term of six (6) years imprisonment and in addition to pay a fine of twelve thousand Seychelles Rupees (SR.12, 000.00). The fines imposed shall be paid within two years after serving the prison sentence and in default two (2) years imprisonment.

The two prison sentences shall run concurrently and shall take effect from the time the accused was remanded in custody, that is 27th April, 2004. Pursuant to Section 151 of the Criminal Procedure Code, Cap.54, I order that out of the said fines when paid, Mr. Paul Latulipe shall be compensated in the sum of SR.11, 000.00.

B. RENAUD
JUDGE

Dated this 12th day of July, 2005