

IN THE SUPREME COURT OF SEYCHELLES

DAVIS DODIN

Appellant

VS.

THE REPUBLIC

Respondent

Criminal Appeal No. 2 of 2007

Mrs. Antao for the Appellant

Respondent – Absent/Unrepresented

ORDER

Gaswaga, J

I have read the application and the affidavit attached and I have also listened to the submission of the counsel. The Court has also studied the Magistrates Court record of CR104 of 2007 and CR105 of 2007 in respect of the same Appellant/Accused. It is noted that the Appellant did not attend Court on the 4th April, 2007 at 8.30am and there being no explanation offered a warrant of arrest was issued against him. The Appellant has turned up on his own today with his counsel but before another Magistrate of the A Court whereupon he was detained until tomorrow for his non-attendance of Court.

This Court has looked into the circumstances of the Appellant/Accused especially the fact that he was admitted to the hospital on the 3rd April, 2007 and only

discharged on the 11th April, 2007 and therefore unable to attend Court on the 4th of April, 2007. He has also adduced documentary evidence to this effect from the Victoria Hospital.

In these circumstances it is only just and fair that he be immediately released from detention and allowed to attend the Magistrates Court C on the next mention date of 14th May, 2007 at 8.30am. However, in future should the Appellant/Accused be unable to attend court he should convey this message or his inability to do so to the Court well in time. The file should be remitted to the Magistrates Court for continuation.

I so order.

D. GASWAGA

JUDGE

Dated this 12th day of April, 2007