

**IN THE SUPREME COURT OF SEYCHELLES**

**THE REPUBLIC**

**VS.**

**DANIEL TIRANT (Accused)**

Criminal Side No. 50 of 2006

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Mr. Camille for the Republic

Mr. Hoareau for the Accused

**RULING**

***Gaswaga, J***

The accused herein was released on bail on several conditions one of them being that he should not commit any offence or get involved in any criminal activity. It is not in dispute that the accused thereafter was charged in the Magistrate's Court with a related offence of house breaking, thereby breaching the said condition. Consequently he was remanded in custody.

He is now moving the Court to reconsider the said order such that he is given another opportunity. The defence cited the case of Rep vs. David Boniface who was almost in a similar situation and the Court gave him a second chance by enlarging him on bail. I do agree with the defence counsel that similar cases should be treated in a similar manner but the David Boniface case was sometime back and now the conditions and crime situation of the society have changed. Given the number of new cases of this nature that we are registering in this Court one would be right to conclude that generally crime is on

the increase especially with the offence of house breaking and robbery. Though proper statistics cannot be given, the general picture is that most of those arrested are not new to the docks of the court they are repeat offenders. This kind of trend calls for new methods to be employed by the judiciary whose mandate is not only to safeguard the people in this county but also their property.

Bearing in mind that an accused is innocent until proven guilty I shall also state that innocent and hardworking members of our society have the right to enjoy their property without any unsanctioned legal interference. It is the increase in the breach of this right by some people that has caused the present public outcry in this country. If I am to do any justice then I should revisit the Constitution and balance the accused's rights in the light of those rights enjoyed by the public.

In the instant case the accused, on his own accord, abused the bail terms and therefore decided his fate, it was his own choice. This Court sees no other terms or conditions, however stringent, that can be imposed on the accused to restrain him from indulging in further criminal behavior or compel him to observe the set bail conditions. Accordingly, I shall further remand him in custody under Section 179 for another fourteen days.

**D. GASWAGA**

**JUDGE**

Dated this 10<sup>th</sup> day of January, 2008.