

IN THE SUPREME COURT OF SEYCHELLES

THE REPUBLIC

VS.

VALLIPURAM MURALI (Accused)

Criminal Side No. 37 of 2007

The Attorney General Mr. Fernando assisted by Mr. Camille for the Republic
Mr. Hoareau and Mrs. Antao for the Accused

RULING

Gaswaga, J

This is an application for remand in prison of Mr. V. Murali (accused) who stands charged before this Court with the offence of bribery contrary to and punishable under Section 91(1) of the Penal Code, Cap 158.

The said application is supported with an affidavit deponed by Joachim Pillay, the Chief Inspector of the Seychelles Prisons attached to Mt. Posée Prison. Mr. Pillay avers therein that according to the investigations conducted by himself and Sergeant Daniel Florentine, Mr. Murali was implicated as the instigator of the attempted jail break of 30th September, 2007 at Mt Posée Prison. It was submitted that on the basis of this averment Mr. Murali should not be released on bail as he may never return to Court.

One Daniel Tirant, a detainee at the said prison, being the person referred to in the affidavit as the source of that information, was placed in the witness box. He denied

most of this information and further stated that the same had been obtained by coercion. Mr. Pillay too was placed in the witness box and thoroughly cross-examined. The said grilling exercise dealt further and serious damage to the affidavit and rendered it wanting.

An application grounded on such an incompetent affidavit remains hanging without the necessary supporting evidence and must inevitably fail. I am in agreement with Mr. Hoareau that this application should not be granted. It is accordingly dismissed.

D. GASWAGA

JUDGE

Dated this 25th day of January, 2008.