

IN THE SUPREME COURT OF SEYCHELLES

THE REPUBLIC

VERSUS

RENAULT RACHEL

CriminalSide No 75 of 2007

Mr. J. Camille for the Republic

Mr. A. Derjacques for the Accused

SENTENCE**GASWAGA J.**

The mitigating factors as adduced by the defence Counsel have been considered in toto. It is noted that the defendant has prayed for utmost leniency after tendering a plea of guilty. He now regrets his actions and sounds remorseful. He confessed to his girlfriend, Sophia, and his brother as well as the Police immediately after commission of the offence. Indeed the defendant used his cell phone to send a text (SMS) message to his girlfriend alerting her of the fire. At the time of setting fire on the house the defendant was in a state of emotional trauma after his said girlfriend had broken-up with him. Sofia has however since forgiven him (*as intimated on oath in Court*) and the two equally young people seek another opportunity to rebuild their life together .

Despite this reconciliation and the fact that nobody was in the house at the material time, a life imprisonment maximum penalty remains entirely open to the defendant. Further, although the house was insured Ms Marengo, Sophia's mother confirmed that no compensation had been paid to them yet almost each and everything that was in it got burnt together with the house. The defendant also promises to help the family in covering the loss.

This Court has had opportunity to look at the sentences passed by the Supreme Court in similar cases and those subsequently passed by the Court of Appeal which

in most of the cases have been reduced. After a full brown trial in **Rep Vs R. Bistoquet Cr. Case 17 of 2007** a sentence of 10 years was imposed on the convict. In **R. Vs Kenneth Monthy Cr. Case No. 45 of 2004** where an old farm shelter made out of wood and corrugated iron sheets valued at Sr. 18,000.00 was set on fire by the defendant the Court imposed 2 years imprisonment sentence. The Court, among others found that the defendant who pleaded guilty to the offence was sometimes mentally unstable and had been to the Psychiatric Unit several times.

I have once again considered the circumstances of this case as well as those of the defendant together with the nature of offence herein. He is a young man of 29 years and shall be considered a first offender. It is therefore my opinion that he should undergo a prison term of years.

The period spent on remand should count towards this sentence.

Right of Appeal against sentence is explained.

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D. GASWAGA
JUDGE

Dated this 4th day of June 2008