

IN THE SUPREME COURT OF SEYCHELLES

THE REPUBLIC

VS.

DERECK CONSTANCE (Accused)

Criminal Side No. 41 of 2008

Mr. Labonte for the Republic

Mr. Herminie for the Accused

RULING

Gaswaga, J

This is a robbery with violence case wherein the accused is still kept on remand at Mt Possé Prison. This Court has heard the application by the prosecution for extension of remand of the accused person and the objection thereto by the defence counsel, Mr. Herminie. He now submits that the accused should be enlarged on bail.

I have looked at the record again especially the reasons advanced by Mr. Herminie and I am convinced that the accused faces serious charges of robbery with violence whose particulars allege that the accused on the 6th May, 2008 in the district of St Louis stole from Danny Bernadin Vidot the sum of SR9,900/- and during or after the said robbery, armed with a knife, used personal violence against Lisa Vidot, the wife of the said Danny Bernadin Vidot. Seriousness of the matter at hand is also reflected in a number of ways for instance the prevalence of similar offences in our society today, the severe custodial

punishment involved in case a conviction is to be secured by the prosecution, the effect of such a crime on the victim and society etc. **See The Republic vs. Gerard Kate**. Moreover, there is no substantial change in circumstances to warrant a release of the accused on bail while the seriousness of this matter has not diminished in anyway. Mere delay of a case once an accused person is charged is not a ground to mitigate the offence or for the Court to grant such an application. **See Rep vs. Cliff Emmanuel & Or Cr. 85 of 2003**.

Accordingly the accused should be remanded for another fourteen days to the, 2008 at 9am under Section 179 of the Criminal Procedure Code.

D. GASWAGA

JUDGE

Dated this 4th day of March, 2009.