

IN THE SUPREME COURT OF SEYCHELLES

THE REPUBLIC

VS.

VALLIPURAM MURALI

Criminal Side No. 36 of 2007

Mr. Camille for the Republic

Mr. Bonte, Mrs. Amesbury and Mr. Hoareau for the Accused

SENTENCE

Gaswaga, J

Mr. Murali stands charged with numerous and related offences before this Court which appear in different files. The prosecution, as well as the defence counsel, have held discussions with regard to plea bargaining, sentence as well as compensation matters in respect of all the pending files (charges).

In respect of this particular file and in light of the above the charge sheet has been amended to exclude eight (8) counts hence leaving only two (2) counts of money laundering contrary to section 3(1)(a) and punishable under section 57(1)(a) of the Anti-Money Laundering Act of 2006 to which the accused has now pleaded guilty.

The prosecution has intimated that it would not have any objections if the Court was minded to sentencing the accused to any period of less than three (3) years.

Generally, where a plea of guilty is tendered the Court may consider the following principles among others while determining a suitable sentence which will definitely reflect a credit for the said guilty plea;

- 1) The timing of the plea so that the earlier the plea the greater the discount.
- 2) Some allowance may be made in determining the discount where the trial will be particularly complicated or lengthy. This helps in saving resources such as time taken by witnesses to testify.

It would be noted from this case that all the prosecution evidence was already in and they had closed their case. Its evidence constitutes a voluminous record with a substantial amount of documentary evidence and I would be right to say that the case was in its advanced stages. Bearing all this in mind and the nature of offences at hand together with the loss occasioned on the complainant company I feel the suitable sentence herein should be three (3) years imprisonment on count 1 and three (3) years on count 2.

Order

- The said sentences are to run concurrently.

The period spent on remand is part of this sentence.

Right of appeal explained.

D. GASWAGA

JUDGE

Dated this 17th day of July, 2009.