

IN THE SUPREME COURT OF SEYCHELLES

THE REPUBLIC

VS.

1. CLINTON LEON

ANDREW FERNANDES

STEVE RAGAIN

Criminal Side No. 4 of 2009

Mr. Esparon for the Republic

Mr. Hoareau with Mr. Derjacques for the Accused

ORDER

M. Burhan J

I have considered the submissions of both learned counsel for the 1st, 2nd and 3rd accused. The charge against all three accused is one of attempted murder which if proved attracts a term of life imprisonment. This in itself shows the seriousness of the offence against the accused. In the affidavit filed it is alleged that a blow was struck on the victim's head with a machete. The fact that an injury was inflicted on the victim's head is not in dispute and covered by the doctor's notes which were perused in open court at the request of the defense.

It is the submission of learned counsel for the prosecution and PC Ronny Julienne in his affidavit under oath has stated that as

there was a possibility of the victims (witnesses) being attacked again, that they are in hiding and that the release of the accused persons on bail would result in interference with the prosecution witnesses.

Considering all these facts and the fact that all three accused have been charged with attempted murder read with section 23 of the Penal Code, that is committing the offence of attempted murder with common intention, I proceed to remand all three accused in the case and refuse the application for bail made by learned counsels.

M.N. BURHAN

JUDGE

Dated this 16th day of February, 2009.