

**IN THE SUPREME COURT OF SEYCHELLES**

**Criminal Side: CN 07/2013**

**Appeal from Magistrates Court decision 771/2012**

**[2014] SCSC**

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**SAMUEL ROUCOU**

Appellant

versus

**THE REPUBLIC**

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Heard: 21<sup>st</sup> May 2014 and 23 June 2014

Counsel: Mr. Nichol Gabriel Attorney at Law for appellant

Mr. Kumar, Principal State Counsel for the Republic

Delivered: 3 October 2014

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**JUDGMENT**

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**Burhan J**

[1] This is an appeal against sentence.

The Appellant was charged in the Magistrates' Court as follows-

*“Stealing from person contrary to section 260 and punishable under section 264(a) of the Penal Code.*

*The particulars of offence are that, Samuel Roucou, residing at Corgate Estate, Mahe, on the 08<sup>th</sup> of December 2012 at Jivan Complex car park, Mont Fleuri, Mahe, stole from the*

*person Marion Francois one gold necklace to the value of SR19,500/- being the property of the Marion Francois.”*

[2] The Appellant was convicted on his own plea of guilt. The learned Magistrate thereafter sentenced him to a term of 6 years imprisonment.

[3] Learned Counsel for the Appellant seeks to appeal from the sentence imposed by the learned Magistrate on the following grounds-

The Appellant had pleaded guilty to the said charge and therefore should have been given a quarter of the sentence that was liable to be imposed.

The Appellant was young and the stolen items had been recovered and his girl friend was expecting a child.

[4] The facts as admitted by the Appellant at the time he pleaded guilty are that the victim was seated in the back seat of a vehicle parked at the Jivan's shopping complex, when the Appellant had come up to her and pulled her gold chain which was around her neck.

[5] The law at the time the offence was committed prescribes a sentence of 10 years imprisonment for a person convicted of such offence.

[6] On consideration of the reasons given by the learned Magistrate Mr. Adeline, it is clear the learned Magistrate had addressed his mind to the seriousness of the offence committed by the Appellant and the fact that the Appellant had previous convictions of a similar nature. He has considered the nature and impact of such crimes on society and proceeded to sentence the Appellant to a term of 6 years imprisonment which is 4 years less than the prescribed term of imprisonment.

[7] Having considered the manner in which the crime was committed, the fact that such a crime attracts a term of 10 years imprisonment and the previous record of the Appellant, I am satisfied that the learned Magistrate has given due consideration to the mitigatory factors in imposing a sentence of 6 years imprisonment on the Appellant.

[8] The Appeal against sentence stands dismissed.

Signed, dated and delivered at Ile du Port on 3 October 2014

M Burhan  
**Judge of the Supreme Court**