

**IN THE SUPREME COURT OF SEYCHELLES**

**Criminal Side: CO 09/2014**

**[2014] SCSC 429**

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**THE REPUBLIC**

versus

**JUDE JEFFREY ATHANASE**

Accused

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Heard: 29th October 2014  
Counsel: Mrs. Lansinglu Rongmei, Assistant Principal State Counsel for the Republic  
Mr. Joel Camille Attorney at Law for the accused  
Delivered: 12 November 2014

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ORDER

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Burhan J

- [1] I have considered the application for bail made by learned counsel for the accused and the objections of learned counsel for the prosecution.
- [2] The main contention of learned counsel for the accused is that the accused has been in remand for a lengthy period of time. On perusal of the proceedings it is apparent that after having fixed the case for hearing for the 22<sup>th</sup> of July 2014, the accused had decided to change his counsel Mr. Chetty (proceedings of 26<sup>th</sup> May 2014). Thereafter Mr. Joel Camille his new counsel had on the 1<sup>st</sup> of July 2014 requested new dates for hearing as

the date set for trial the 22<sup>nd</sup> of July 2014 was inconvenient to him. The decision of the accused to change his counsel has resulted in the trial being changed to a later date.

[3] Learned counsel further admitted as he was held up in the “Charitha” (Republic v Roy Brioche & Ors), on the last date of trial he had once again sought an adjournment and the trial of this case had to be adjourned till 14<sup>th</sup> January 2015 (refer proceedings of 29<sup>th</sup> October 2014). It is apparent therefore that it was learned counsel for the accused who has moved for adjournments and therefore cannot seek to complain of delay in the hearing of this case.

[4] The accused who has the discretion of seeking a counsel of his own choice has decided to first change his first counsel and go ahead with the new counsel. Therefore learned counsel for the accused or the accused cannot now seek to complain of delay which was due to them seeking adjournments. The case against the accused at present is part heard and the prosecution has already concluded the evidence of two witnesses.

[5] In regard to the controlled drug being a Class B drug, this court has already addressed its mind on the 18<sup>th</sup> of February 2014 to the fact that the controlled drug was a Class B drug. The quantity involved is large 202.4 grams well over the 25 grams that gives rise to the rebuttable presumption of trafficking. Further the charge attracts a minimum mandatory term of imprisonment of 16 years. The accused has attempted to run after fighting the agents at the time of being confronted by the NDEA agents. In the light of all these circumstances, the likelihood of the accused attempting to abscond if released on bail is strong. For the reasons contained herein and reasons contained in the order of 18<sup>th</sup> February 2014, I proceed to decline the application for bail.

Signed, dated and delivered at Ile du Port on 12 November 2014

M Burhan

**Judge of the Supreme Court**