

IN THE SUPREME COURT OF SEYCHELLES

Criminal Side: CO 71/2014

[2014] SCSC 454

THE REPUBLIC

versus

DANNY MICHEL

Accused

Heard: 2 December 2014
Counsel: Mr. George Thachett, Assistant Principal State Counsel for the Republic
Mr. Joel Camille and Mr. Clifford Andre Attorney at Law for the accused
Delivered: 2 December 2014

ORDER

- [1] Burhan JI have considered the application made by learned counsel for the prosecution to remand the accused into custody and the objections made by learned counsel of the accused.
- [2] The accused has been charged with trafficking a controlled drug namely Cannabis herbal material. The charge attracts a minimum mandatory term of 16 years imprisonment. This in itself speaks of the seriousness of the offence. The quantity of 86.8 grams of Cannabis herbal material is well over the 25 grams which give rise to the presumption of trafficking.
- [3] The affidavit filed in the record by investigating officer Inspector Barbara Denis indicates that the accused had thrown the bag containing the controlled drug and attempted to run away on seeing the police. The possibility of the accused absconding is apparent from these facts.

It is also stated in the affidavit filed on record by the investigating officer that the accused attempted to resist his arrest which is contrary to the facts in the case of ***Republic v Chris Esparon 76/2013*** where the bail was given at the first instance as the accused had not attempted to run away or resist his arrest.

- [4] Therefore the possibility of the accused absconding in this instant case is apparent. The prosecution has also highlighted the possibility that as the accused is a Court Interpreter, due to his familiarity with the officers of court and police there is a strong possibility he will obstruct the course of justice and attempt to interfere with witnesses. I am inclined to accept that this is an aggravating factor and as the accused is well versed also with the procedure in court substantial grounds exist for believing that there could be an obstruction to justice.
- [5] Learned counsel has also in his submissions informed court that as the affidavit filed by the prosecution is not by the arresting officer it should be disregarded. I am inclined to disagree with him as the affidavit has been filed by the investigating officer which in my view would suffice. In the background of all these facts, the mere fact that after release from the Magistrates' Court he did come before this court is a common ground applicable to all suspects who are charged before the Supreme Court and to those who are remanded as well.
- [6] For the aforementioned reasons this court is satisfied that sufficient grounds exist to remand the accused into custody. I proceed to remand the accused into custody for a period of 14 days.

Signed, dated and delivered at Ile du Port on 2 December 2014

M Burhan
Judge of the Supreme Court