

IN THE SUPREME COURT OF SEYCHELLES

Criminal Side: CO 60/2014

[2015] SCSC

THE REPUBLIC

versus

- 1. GEOFFREY ANTAT**
- 2. JEANETTE JOUBERT**

Accused

Heard: 06 January 2015
Counsel: Mr. Ananth Subramanian, Assistant Principal State Counsel for the Republic
Mr. Elvis Chetty Attorney at Law for the 1st and 2nd Accused
Delivered: 16 January 2015

ORDER

Burhan J

- [1] I have considered the submissions made by learned counsel for the 1st accused in support of his application for bail and the objections of learned counsel for the prosecution.
- [2] The main grounds urged by learned counsel for the 1st accused are that-
- i. As the 2nd accused has been released on bail the 1st accused should be treated in a similar manner.*

ii. *Insufficient facts have been set out in the affidavit to show there was an obstruction to the NDEA (National Drug Enforcement Agency) officers.*

iii. *No sufficient grounds exist to remand the 1st accused.*

[3] Both the 1st and 2nd accused have been charged with Trafficking in a controlled drug namely Heroin (Diamorphine) a Class A drug weighing 492.1 grams and having a purity content of 255.8 grams. This offence attracts a term of life imprisonment. The seriousness of the offence is apparent.

[4] The 1st accused in addition to this charge has been charged with Escape from lawful custody and at the time of the arrest it is averred he had struggled with the agents in an attempt to escape and had been prevented by the timely action of the officers of the NDEA from using a penknife he had in his possession. Not only have these facts been averred in the affidavit filed by the prosecution but charges have been framed for Obstructing and Threatening NDEA agents under section 16 (6) (b) and (c) of the NDEA Act.

[5] Therefore it cannot be said that insufficient facts have been set out in the affidavit in respect of the alleged obstruction as the prosecution has gone one step further by framing charges against the 1st accused in respect of same. The charges and the particulars of the offence in the charges too set out facts that have to be considered with the facts contained in the affidavit which clearly refers to the 1st accused taking a pen knife from his shorts at the time the officers were arresting him. Therefore there is no merit in the contention that insufficient facts have been set out in the affidavit and as a result the 1st accused has been prejudiced by it.

[6] It is apparent therefore that the 1st accused has in addition to the serious charge of Trafficking in a controlled drug, other charges of serious nature and therefore cannot be treated in a similar manner to the 2nd accused. Further the 2nd accused came immediately on receipt of summons to court whereas the 1st accused had to be arrested and brought to court and service of summons on the address given by him was not possible in the usual manner and the prosecution had to seek special orders from court.

[7] In the light of these facts before court it is apparent that there is a strong possibility and substantial grounds to believe that the 1st accused would abscond and obstruct the course of justice in the face of such serious charges.

[8] Considering all the aforementioned facts before court at present, this court is satisfied that sufficient grounds exist for the 1st accused to be remanded into custody.

Signed, dated and delivered at Ile du Port on 16 January 2015

M Burhan
Judge of the Supreme Court