

# **IN THE SUPREME COURT OF SEYCHELLES**

**Criminal Side: CO 67/2012**

**[2015] SCSC 99**

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**THE REPUBLIC**

versus

**FRED EMMANUEL**

Accused

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Heard: 1 April 2015

Counsel: Mr. Vipin, Assistant State Counsel for the Republic  
Mr. Chetty for the accused

Delivered: 1 April 2015

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## **SENTENCE**

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**Dodin J**

- [1] The Convict, Fred Emmanuel, has been convicted on his own guilty plea to a count of robbery with violence contrary to Section 280 and punishable under Section 281 of the Penal Code and one count of conspiracy to commit a felony contrary to and punishable under Section 381 of the Penal Code.
- [2] The brief facts of the case are that the Convict on the 17<sup>th</sup> November 2012 as one of the passengers in a car driven by a 3<sup>rd</sup> person, disembarked at Sweet Escote, Anse Royale, went into the shop of Roch Richard Low and stole SR1000/- from the counter and in the

process used a knife to inflict an injury to the head of one Jean Claude Low as well as punching him, before making his escape after getting back into the same car.

[3] Learned Counsel for the Convict moved the Court to impose lenient sentences on the Convict who has pleaded guilty, shown remorse for his action and has in the process saved the Court valuable time and expenses.

[4] The Convict is a 32 year old father of a 9 year old girl and for the purpose of this conviction he is a first offender.

[5] Learned Counsel submitted that the injury suffered by the victim was very minor and the amount of money stolen was also negligible being only SR1,000/-. He submitted that in taking into consideration the above circumstances, the Court should consider imposing a sentence lower than the minimum mandatory.

[6] I have taken into account the submission made on behalf of the Convict and the fact that in terms of property stolen and violence used were quite minimal. The Convict has recognised the error of his ways and has not wasted the Court's time by pleading guilty. I also note that the amendment made to Section 27 of the Penal Code to increase the minimum mandatory sentence for the said offence from 5 years to 15 years was made just before the commission of this offence and hence this is a case where applying the mandatory minimum sentence would be disproportionate to the offence and hence result in harsh and excessive punishment.

[7] However, in view of such offence being considered serious and a knife was used to facilitate the commission of the offence, a prison sentence must be imposed in the circumstances.


[8] I therefore impose the following sentences on the Convict.

- Count 1 – Robbery with violence, I impose a sentence of 10 years imprisonment.
- Count 3 – Conspiracy to commit a felony, I impose a sentence of 5 years imprisonment.

☐ [9] The sentence shall run concurrently. Time spent on remand shall form part of the sentences.

[10] The Convict can appeal against the sentences within 30 working days.

Signed, dated and delivered at Ile du Port on 1 April 2015

  
G Dodin  
**Judge of the Supreme Court**

