

IN THE SUPREME COURT OF SEYCHELLES

Criminal Side: CO 10/2015

[2016] SCSC 32

THE REPUBLIC

versus

ROY JULIENNE

RON POPONNEAU

Accused

Heard: 14th January 2016
Counsel: Mr. Hemanth Kumar, Assistant Principal State Counsel for the Republic
Mr. Basil Hoareau Attorney at Law for the first accused
Ms. Karen Domingue Attorney at Law for the second accused
Delivered: 26 January 2016

ORDER

Burhan J

- [1] I have considered the submissions made by learned counsel for the defence in respect of their application for bail on behalf of the accused and the objections in respect of same by learned counsel for the prosecution.
- [2] Learned counsel for both the accused relied on the following grounds;

- a) the main prosecution witness in this case Mr Raymond Nancy has deponed in this case and therefore there exists no likelihood of any interference with the case of the prosecution.
- b) both accused have been charged with trafficking in a Class B drug namely Cannabis herbal material and not a Class A Drug.
- c) the possibility of absconding could be done away with if suitable bail conditions are imposed.
- d) It would not be possible to conclude the case in the near future.

[3] Although the charge against both accused is in respect of trafficking in a quantity of a Class B controlled drug, when one considers the quantity involved i.e. 16, 863.9 grams, the seriousness of the charge becomes apparent as the trafficking of such a large quantity of controlled drug even of a Class B nature, attracts a minimum mandatory term of life imprisonment.

[4] I am of the view that considering the seriousness of the charge as borne out by the severity of the penalty prescribed by law, there is a strong possibility of both the accused absconding if released on bail.

[5] Further I observe that the case is now partly heard and therefore, there exists more than affidavit evidence before court against both the accused.

[6] On perusal of the record, it cannot be said that the prosecution has been guilty of laches. In fact the record will show that it was the defence counsel who have moved for adjournments on more than one occasion. Therefore it would be unfair for defence counsel to complain or state that the case will not be completed within a reasonable time.

[7] For the aforementioned reasons i.e. considering the seriousness of the charge, the likelihood of the accused absconding in the face of such a serious charge and the fact that

no delay in the hearing of the case could be attributed to the prosecution, even though the main prosecution witness Raymond Nancy has deponed, the application for bail is declined. Both accused are further remanded into custody.

Signed, dated and delivered at Ile du Port on 26 January 2016

M Burhan
Judge of the Supreme Court