

**IN THE SUPREME COURT OF SEYCHELLES**

**CriminalSide: CN 11/2014**

**[2016] SCSC 599**

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**RANDOLF PATHON**

Appellant

versus

**THE REPUBLIC**

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Heard: 17 August 2016

Counsel: Mr. Gabriel for appellant

Mr. Tachette, State Counsel for the Republic

Delivered: 17 August 2016

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**ORDER**

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**D. Karunakaran, J**

[1] This is an appeal from the decision of the learned Magistrate His Worship Mr. Brassel Adeline dated 15<sup>th</sup> January 2014 in Criminal Side Number 475 of 2013 against conviction and sentence imposed by the learned Magistrate. The appellant was sentenced to 10 years imprisonment for the offence of breaking and entering into building and committing a felony there in contrary to Section 291 (a) of the Penal Code.

[2] Although the appeal is against both conviction and sentence learned counsel for the appellant Mr. Gabriel has now withdrawn the appeal against conviction and inform the Court that he is proceeding only against sentence imposed by the learned Magistrate.

- [3] Briefly the learned counsel submitted that the appellant is a first offender and also he is a young person who has a family to maintain. Moreover, learned counsel for the appellant submitted that the convict has saved the precious time of the Court by pleading guilty to the charge. It appears the state counsel is also not resisting any of the grounds he has submitted to Court.
- [4] Having given careful consideration to the entire circumstance of the case and taking into account all the factors and circumstances peculiar to this offence as well as to this offender it seems to me that the imprisonment for the period of 10 years imposed by the learned Magistrate is manifestly excessive and harsh. In the circumstances, I hereby allow the appeal against the sentence and reduce from 10 years to 4 years imprisonment. I am informed that the appellant has already served 3 years. So, he will have to serve only 1 year more in prison and he should be released from prison as soon as he completes 4 years sentence.
- [5] The appeal is partly allowed. The sentence imposed by the learned Magistrate is varied accordingly.

Signed, dated and delivered at Ile du Port on

D. Karunakaran  
**Judge of the Supreme Court**