

IN THE SUPREME COURT OF SEYCHELLES

CriminalSide: CO17/2016

[2016] SCSC 642

THE REPUBLIC

versus

JEMMY MOUSBE

Accused

Heard: 27 July 2016
Counsel: Mr Khalyaan, State Counsel for the Republic
Mr Gabriel for the accused
Delivered: 5 September 2016

ORDER

Akiiki-Kiiza J

- [1]** I have carefully considered the submission of both learned counsel on the application by the prosecutor to amend the particulars of the offence to reflect the true owner of the burnt house.
- [2]** This was opposed by the learned counsel for the Accused because his view alters his defence unless his granted an adjournment to rearrange the same defence.

- [3] Section 187(1) of the CPC gives the Court the discretion to order an amendment in appropriate cases if it deems the charges defective provided in the circumstances of that case it will not amount to injustice to the Accused person.
- [4] Having carefully noted this sub section and submission, having heard the submission of the learned counsel and also noting the provision of Section 187 of the CPC, I deem this a proper case where an amendment could be effected without causing injustice to the Accused person.
- [5] In the premises therefore the prosecution can apply to amend and can amend the particulars of the offence to reflect the correct owner of the burnt house however the defence will be granted an adjournment to enable them to study the case at fresh and I will allow them time to prepare for their defence in light of the amendment.

Signed, dated and delivered at Ile du Port on

D Akiiki-Kiiza
Judge of the Supreme Court