

IN THE SUPREME COURT OF SEYCHELLES

CriminalSide: CO31/2016

[2016] SCSC

THE REPUBLIC

versus

ANDY EDWARD SAMEDI
Accused

Heard: 27th day of October 2016
Counsel: Ms. Amenda Faure, State Counsel for the Republic
Mr. C. Andre for the accused
Delivered: 10 November 2016

SENTENCE

Vidot J

[1] The Accused stands charged with 2 counts as follows;

Count No. 1

Statement of Offence

Trafficking in a controlled drug contrary to Section 5 of the Misuse of Drugs Act Cap

133 read with Section 14(1)(e)(i) and Section 26(1)(a) of the said Act and punishable under Section 29 read with the Second Schedule referred thereto in the said Act.

Particulars of Offence

Andy Edward Samedi of Port Glaud. Mahe, on 27th May 2016 was at Port Glaud, Mahe, trafficking in a controlled drug by virtue of having found in possession of controlled drugs, namely cannabis (herbal materials) having a total weight of 25.1 grams which gives rise to the rebuttable presumption of having the said controlled drugs for the purpose of trafficking.

Count No. 2

Statement of Offence

Possession of a controlled drug contrary to Section 6 (a) of the Misuse of Drugs Act, Cap 133 read with Section 26(1)(a) of the said Act and punishable under Section 29 read with the Second Schedule referred thereto in the said Act.

Particulars of Offence

Andy Edward Samedi of Port Glaud, Mahe on 27th May 2016 was found to be in possession of a controlled drug, namely heroin, having a net weight of 0.06 grams which gives rise to possession of a controlled drug

- [2] I have given due consideration of submission made in mitigation by Mr. Andre, Counsel for the Accused. In particular, I take in account that the Accused pleaded guilty and thereby saved the previous time of the court and thereby showing remorse for his action. I also considered that the Accused is a father of a 2 year old child and that the amount of drugs seized, particularly under Count No. 2 is minimal. I have paid particular note of Section 7(4) of the Misuse of Drugs Act (MODA).
- [3] Under Count 1, I proceed to convict the Accused to a fine of SR15,000/- which shall be paid within a month of today and in any case not later than the 30th day of December 2016, in default of which the accused shall serve a prison term of 6 months.

- [4] Under Count 2, the Accused is sentenced to a fine of SR8,000/- which shall be paid within a month of today, in any case not later than the 30th December 2016, in default of which the Accused shall serve a prison term of 6 months.
- [5] Should the accused default in the payment of any of the fines imposed under both counts, the prison terms shall immediately and automatically be activated and the accused shall serve the prison term as above specified which shall run consecutive to one another.
- [6] The accused has a right of appeal which should be filed within 30 days of this sentence.

Signed, dated and delivered at Ile du Port on 10th day of November 2016

M Vidot
Judge of the Supreme Court