

IN THE SUPREME COURT OF SEYCHELLES

Criminal Side: CO 58/2016

[2017] SCSC 57

THE REPUBLIC

versus

LAURENCE ROSE
Accused

Heard: 31 January 2017
Counsel: Mr. Jayaraj Chinnasamy, Assistant Principal State Counsel for the
Republic
for the accused

Delivered: 31 January 2017

ORDER

Burhan J

[1] The accused in this case Laurence Rose has been charged under Section 35 (1) & (3) of the Public Health Act. According to the particulars of the offence, the accused who is suffering from an infectious disease namely pulmonary tuberculosis has absconded from the Seychelles Hospital while undergoing treatment resulting in him failing to take precautions to guard himself directly or indirectly from spreading the infectious disease.

- [2] An application was made to court based on the affidavit of Dr. Meggy Louange that the accused be detained in the Seychelles Hospital for treatment as he is a public risk and by court order dated 8.11.2016 the accused was detained accordingly.
- [3] In the latest affidavit dated 30.01.2017 Dr. Meggy Louange while stating that the accused has responded to the treatment and is no more infectious requests an order from court considering the history of absconding of the accused that the accused be kept in remand custody until he completes his treatment. The doctor has further stated that if he fails to take his treatment, he would once again become infective and a public health risk.
- [4] Considering the history of the accused of absconding from treatment and the nature of the charge, I am of the view that if the accused is released he would abscond, thereby being a health risk not only to the public but to himself and his family. Considering the serious nature and the gravity of the charge and the dangerous consequences of the accused absconding from treatment and thereby once again becoming a public health risk, I make order that the accused be remanded for a period of two weeks and he be treated by the prison doctor.
- [5] The prison authorities are free to produce or keep the accused under guard in hospital at any required time for treatment purposes. Considering the nature of the case, the accused could even be detained in any police station instead of Montagne Posse prison at the discretion of the Police Commissioner or Superintendent of Prisons in order to facilitate his treatment.

Signed, dated and delivered at Ile du Port on 31 January 2017

M Burhan
Judge of the Supreme Court