

IN THE SUPREME COURT OF SEYCHELLES

Criminal Side: CO 10/2012

[2017] SCSC 321

THE REPUBLIC

versus

- 1. MICHEL SIMEON**
- 2. ANTOINE JEAN BAPTIST**
- 3. BRENDA BRISTOL**
- 4. GRADY VEL**

Accused

Heard: 3rd of April 2017
Counsel: Mr. Vipin Benjamin together with
Mr. Esparon for the Republic
Mr. Gabriel for the 1st and 4th Accused
Mrs Amesbury for the 3rd Accused

Delivered: 3rd of April 2017

SENTENCE

Burhan J

[1] I have considered the facts in mitigation mentioned by learned Counsel for the Defence. It has been brought to the attention of the Court that both accused have saved the precious

time of Court by pleading guilty. I feel this is a very strong mitigating factor in their favor. Even though this case is dated far back as 2012 and was due to start de nouveau today. Due credit to be given to them for the plea without wasting the time of Court.

[2] I also consider the fact that one of the principle offenders, Mr. Roland Camille has passed away in this case. According to the charges before me I see that, many of these charges have been levied against him and since he is dead the charge sheet has been amended accordingly. I also consider the family circumstances of both the Accused, the age of the Accused, the fact that they are now gainfully employed and the fact that they have expressed strong remorse and regret by pleading guilty thereby expressing remorse and expecting leniency of Court.

[3] At the same time considering the number of charges levied against the Accused, I am of the view that a fine alone will be insufficient penalty in this case and therefore I intend imposing a term of imprisonment which I would be suspending in order for it to act as a deterrent from them committing any further offences of this nature.

[4] I therefore proceed to sentence the 1st Accused as follows:

On each of the counts 1,3,5,7,9,11,13,15,16,17,18,19,21,23,25,26,28,30,32,34,40 and 45 on each count I proceed to sentence him to a term of 3 years imprisonment which I suspend for a period of two years.

I further make order that he pays a fine of SR. 5000 (five thousand) on each count.

There are 22 counts and therefore I am giving him permission to pay an instalment of SR. 5000 (five thousand) every month till such time the full fine of SR. 110,000 (one hundred and ten thousand) is paid.

In default of payment of fine a term of six (6) months imprisonment to be imposed on each count to run consecutively.

[5] In respect of the 1st Accused, in the event of the Accused been found guilty in a future offence and the terms of imprisonment are coming into force, I make order that they run concurrently in such an event.

- [6] In respect of the 2nd Accused I proceed to sentence the 2nd Accused on the following counts: 15, 16,17,18,19,26,28,30,32,34,36,37,38,39 and 40. I proceed to sentence him on each count to a term of 3 years imprisonment which I suspend for a period of two years on each count.
- [7] I also make order that he pay a fine of SR. 5000 on each count which should total a sum of SR. 75,000 (seventy five thousand rupees) for 15 counts. Failure to pay the fine he will be sentenced to a term of six (6) months imprisonment on each count which will run consecutively.
- [8] The 2nd Accused is also given time to pay the fine a sum of Sr. 5000 on a monthly instalment every month.
- [9] Court gives them until May 31st to pay the 1st instalment of fine.
- [10] All items as mentioned by Mr. Esparon to be forfeited to the Republic.

Signed, dated and delivered at Ile du Port on **3rd of April 2017.**

M Burhan
Judge of the Supreme Court