

IN THE SUPREME COURT OF SEYCHELLES

CriminalSide: CO10/2010

[2017] SCSC 480

THE REPUBLIC

versus

JUSTIN EMMANUEL LEON

Accused

Heard: 31 March 2017
Counsel: H Kumar, Assistant Principal State Counsel for the Republic
N Gabriel for the accused
Delivered: 9 June 2017

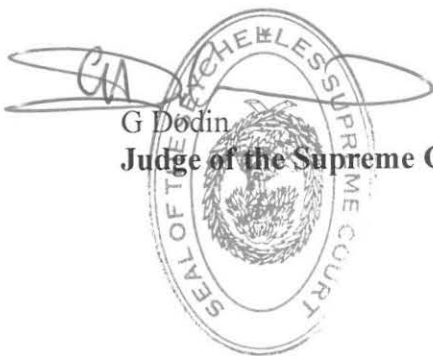
RULING

Dodin J

[1] This is a ruling on a motion by Justin Emmanuel Leon for an order to return to him the sum of Seychelles rupees 10,030, which was ceased from him by NDEA agents on the 26 February, 2010. The money was admitted as exhibit during the trial of the applicant. The applicant changed his plea to guilty towards the end of the trial and was sentenced to a term of 5 years imprisonment which he has already served. No order was made with regard to the money. Learned counsel for the Republic objects to the return of the money to the applicant maintaining that the money was part of the drug transaction the applicant was convicted of and should therefore be confiscated by forfeiture to the Republic.

- [2] I have gone over the records of proceeding in this case with particular attention to the evidence of agent Hoareau who testified on the 26 April 2011. The testimony established beyond doubt that the sum of SCR 10,030 was recovered together with a piece of dark substance which was later analysed and determined to be cannabis resin.
- [3] Further the Affidavit does not disclose any information which would lead the Court to the conclusion that the drug and the sum of money were not part of the same transaction and that the money was legitimately in the possession of the applicant despite it being mixed with the drugs for which the applicant was convicted.
- [4] Consequently, I find that the money was part of the drug transaction for which the applicant was convicted and as such, that sum of SCR 10,030, cannot be returned for the benefit of the applicant. That sum of SCR 10,030 is therefore forfeited to the Republic accordingly.
- [5] This motion is therefore denied.

Signed, dated and delivered at Ile du Port on 9 June 2017


G Dödin
Judge of the Supreme Court