

IN THE SUPREME COURT OF SEYCHELLES

Criminal Side: CO81/2013

[2017] SCSC

THE REPUBLIC

versus

DAVID LAÏMOYE

Accused

Heard: 7 July 2017

Counsel: Mr. Ananth Subramanian, Assistant Principal State Counsel for the Republic
Mrs. Alexia Amesbury Attorney at Law for the accused

Delivered: 10 July 2017

SENTENCE

Burhan J

- [1] The convict in this case has been found guilty on count 2, the charge of absence to take care and precaution in the performance of his duty resulting in the death of Mikel Figaro, contrary to Section 206 and read with Section 230 of the Penal Code. The said offence is a misdemeanour and attracts a maximum term of 6 months imprisonment.
- [2] I have considered the plea in mitigation in which Mrs. Amesbury has pointed out errors in the probation report which are accepted by Court and the fact that she has drawn court

to the recommendation of the Probation Officer that the Probation Officers are prepared to assist the convict should the Court consider a community based sentence.

[3] I have also considered the facts contained in the Probation Report namely that the convict is 37 years of age and the fact that he is a first offender. The convict has been found guilty of the lesser charge as mentioned above. In similar instances where the Court has found a convict guilty of a lesser charge than Manslaughter, as in the case of Republic v Hansel Perhelmer SCSC 48 of 2010 and in the case of Republic v Christopher Gobin SCSC 03 of 2008 in which cases both convicts were found guilty of the lesser charge of negligence, suspended terms of imprisonment were imposed together with a fine. I find in this case too, the convict has been found guilty of a lesser charge to Manslaughter and therefore this Court is inclined to act similarly in similar circumstances.

[4] I also take into consideration the fact that a death was caused due to this incident.

[5] I proceed to sentence the convict as follows:

6 months of imprisonment which I suspend for a period of two (2) years and

a fine of Seychelles Rupees Five Thousand (SR.5000/-)

[6] In default of payment of fine, a term of 3 months imprisonment to be imposed.

[7] Nature of suspended term explained to the convict.

[8] Right of appeal explained to the convict.

Signed, dated and delivered at Ile du Port on 10 July 2017

M Burhan
Judge of the Supreme Court