

IN THE SUPREME COURT OF SEYCHELLES

Criminal Side: CO 28/ 2017

[2017] SCSC

THE REPUBLIC

Versus

KERENCE FANNY

Heard: 18th September 2017

Counsels: Mr. A. Subramanian, State Counsel for the Republic

Mr. R. Durup for the Accused

Delivered: 18th September 2017

SENTENCE

Govinden R J

- [1] The Accused stands charge with the offence of Robbery with Violence contrary to Section 280 of the Penal Code punishable under Section 281 of the Penal Code. Namely that, he, at Perseverance, Mahe, on the 1st of June 2017, robbed an Indian national by the name of Karan Chauhan by snatching his mobile phone and at or immediately before the time of such robbery did use personal violence to the said Karan Chouhan, by using a knife.

- [2] The Accused has pleaded guilty unequivocally to the charge and on being asked about whether he knows the consequences of his plea, both the Accused and Counsel expressed their awareness.
- [3] The Court has therefore finds the Accused guilty as charge. The Court takes notice of the social circumstances and factors of the Accused and the fact that he is a drug addict as revealed in the Probation Report submitted by the Probation Services to this Court.
- [4] According to the Prosecution he is a first time offender and the injury caused to the virtual complainant is slight and a half a centimetre ($\frac{1}{2}$ cm) and the mobile phone has been recovered. On the other hand, Counsel for the Accused pleaded in mitigation. He submitted that the Accused is a first time offender and the stolen has been recovered and that the injury is minimal and that he is a drug dependant person and this offence was caused as a result of his depending.
- [5] The Court takes notice of the fact that the offence the Accused stands charge of is of a serious nature. It carries with it maximum life imprisonment. However the facts of this case calls for a personalised sentence.
- [6] I consider that the fact that the Accused pleaded guilty at the first opportunity and saved the precious time of the court. I accept that the value of the property stolen was of very low value and that it was recovered. I see that there was no endangerment to life and limb of the victim and that the injury was slight. I take notice of the fact that he is a first time offender. Having regard to all those facts and circumstances, I impose a Sentence of 18 months imprisonment upon the Accused. Any time spend on remand will be subtracted from this term of imprisonment.

I Order accordingly.

Signed, dated and delivered at Ile du Port on 18th September 2017

R. Govinden

Judge of the Supreme Court