**IN THE SUPREME COURT OF SEYCHELLES**

**Criminal Side:**  **65/2016**

**[2017] SCSC**

**THE REPUBLIC**

versus

**IVAN BERNARD ERNESTA**

Heard:

Counsel:      Ms Ibrahim for the Republic

     Mr Clifford Andre for the

Delivered:      28th of September 2017

1. The Accused was charged of the offence of uttering threats to NDEA agent contrary to Section 16(6) b of the National Drugs Enforcement Act (Act 20 of 2008) and punishable under Section 17 (3) thereto.
2. Section 16(6) b provides as follows:

*A person who –*

*utters or sends threats to or in any way, intimidates or menaces an NDEA agent or any member of his family of an NDEA agent;*

1. Section 17 provides for the sentence which is a fine not exceeding Rs 5000,000.00 or a termof imprisonment not exceeding 20 years.
2. Accused pleaded guilty and was convicted.
3. In mitigation Learned Counsel stated that Accused is a first time offender aged 30 years. He has a cycle rental business at La Digue. He has a daughter who is ten years old and another child is due any time. Learned Counsel urged the court to believe that it was a mere exchange of words implying that accused’s threats should not be taken seriously.
4. The Court notes the very serious penalty attaching to this offence and is also aware of the very serious circumstances when a heavy sentence can be imposed.
5. In view of the fact that the accused pleaded guilty and taking into account the fact that accused is well established in his business which he has to run personally, a fine will meet the ends of justice. The court sentences accused to pay a fine of Rs 5000.00

Signed, dated and delivered at Ile du Port on 28th of September 2017.

**Judge of the Supreme Court**