

IN THE SUPREME COURT OF SEYCHELLES

Criminal Side: CO 65/2016

[2017] SCSC

THE REPUBLIC

versus

IVAN BERNARD ERNESTA
Accused

Heard:

Counsel:

Ms Ibrahim for the Republic

Mr Clifford Andre for the accused

Delivered:

28th of September 2017

SENTENCE

Nunkoo J

[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;

- [3] Section 17 provides for the sentence which is a fine not exceeding Rs 5000,000.00 or a term of imprisonment not exceeding 20 years.
- [4] Accused pleaded guilty and was convicted.
- [5] 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.
- [6] 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.
- [7] 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.

S Nunkoo
Judge of the Supreme Court