

IN THE SUPREME COURT OF SEYCHELLES

Criminal Side: CO 08/2018

[2018] SCSC 46

THE REPUBLIC

versus

RAJENDRAN ELUMALE

Accused

Heard:

Counsel: Mr Ananth, Principal State Counsel for the Republic
for the accused

Delivered: 24 January 2018

ORDER

Dodin J

[1] Upon agreement between the Ministry of Agriculture and Fisheries and the Accused Rajendran Elumale Master of fishing vessel Subapathum 6 the offence as charged is compounded with the following conditions pursuant to Section 72 of the Fisheries Act 2014.

- (1)** All gears and equipment on board the vessel and that will include also any catch on board the vessel shall be forfeited to the Republic.
- (2)** The vessel and anything thereon shall also be forfeited to the Republic as full and final payment of any fine that should be due that means that the Republic can sell or dispose of the vessel to meet the cost or the minimum fine that should be due.
- (3)** The Accused is banned indefinitely from participating in any fisheries or

fishing related activities within the Seychelles waters.

(4) The cost of repatriating the Accused and the crew shall be borne by the Accused.

[2] As I have just pointed out paragraph 5 of the agreement would have no legal effect by virtue of Section 72(8) and (9) of the Fisheries Act which makes compounding, conclusive and final. So there is no possibility of having the case reopened once it is compounded.

Signed, dated and delivered at Ile du Port on 24 January 2018

G Dodin
Judge of the Supreme Court