

IN THE SUPREME COURT OF SEYCHELLES

Criminal Side: CO23/2014

[2018] SCSC

THE REPUBLIC

versus

ROBIN MICHEL OREDDY

Accused

Heard: 7 December 2017

Counsel: Mr. George Thachett, Assistant Principal State Counsel for the Republic
Mr. Nichol Gabriel Attorney at Law for the accused

Delivered: 26 January 2018

SENTENCE

Burhan J

[1] The convict Robin Michel Oreddy has been convicted on the following Counts:

Count 2- Causing death by dangerous driving contrary to and punishable under section 25 of the Road Transport Act.

Count 3- Driving a motor vehicle with alcohol concentration above the prescribed limit contrary to Regulation 3(1) read with Regulation 9 (1) of the Road Transport Act (Sober Driving) Regulations and punishable under section 24 (2) of the Road Transport Act.

[2] I have considered the facts stated in the probation report and the plea in mitigation of the convict.

[3] The convict according to the report is 40 years old and presently working on a casual basis on charter boats. It appears that at the time of the accident the convict was in a relationship with the deceased Claudia Antoine. He states in the report that he had drunk alcohol that day and admits that had he not done so the situation could have turned out differently.

[4] It appears from the report that the convict has stated he is depressed and the death of his concubine still hurts him. He has further stated that since the accident, he has supported the children of the victim in every way. He further has stated to the probation officer that he still has a good relationship with the victim's mother. However I note, in the very next page of the report that the mother of the victim, Paulette, has informed the probation officer while accepting the fact that her daughter had a relationship with the convict, she states the convict had mistreated her daughter. In the report, it is mentioned that even though the mother of the convict provides support at times for the children, the convict does not do so and that she and the children of the victim dearly miss their mother the victim.

[5] In mitigation learned Counsel for the convict drew the attention of Court that this was not an incident where a driver had knocked down a stranger but an incident where the driver lost his girlfriend who he was living with. The convict is very remorseful and as the accident involved family members, the convict should not be sent to prison.

[6] In respect of Count 3, it is apparent from regulation 3(1) of the Road Transport (Sober Driving) Regulations that a person having a proportion of alcohol exceeding the prescribed limit (35 microgrammes alcohol in 100 millilitres of breath) is unfit to drive or be in charge of a motor vehicle and shall not drive or be in charge of a vehicle. I also observe that the conduct of the convict in driving a vehicle with a proportion of alcohol exceeding the prescribed limit, has resulted in the death of an innocent person. In my view suitable deterrent punishment should be given, to prevent him repeating such an offence which could end up in the loss of life of another innocent individual. I sentence him to a term of 6 months imprisonment and suspend his driving licence for a period of 2 years from the date hereof.

[7] In respect of Count 2, having considered all the aforementioned factors as the victim was the concubine of the convict at the time of death and he expresses remorse at what happened, I will sentence him on Count 2, to a term of 6 months imprisonment. In due consideration of the fact that the person who died was his concubine and he has expressed remorse, I make order the sentence imposed in both Counts run concurrently.

[8] Licensing Authority to be informed of the cancellation of his driving licence from the date hereof (26th January 2018) for period of two years.

Signed, dated and delivered at Ile du Port on 26 January 2018

M Burhan
Judge of the Supreme Court