

IN THE SUPREME COURT OF SEYCHELLES

Criminal Side: CO 63/2017

[2018] SCSC 96

THE REPUBLIC

versus

ERVAIS LUTHER LYROY ELISABETH

Accused

Heard: 5th February 2018
Counsel: Mr. Joji John for the Republic
Mr. Nichol Gabriel for the Accused
Delivered: 5th February 2018

SENTENCE

R. Govinden, J

[1] This will be the sentence of the Court. Counsel for the Accused, Mr. Gabriel mitigated in favour of his client, he submitted in his mitigation that this is the first opportunity that the accused gets to plead to the charge and he has done so at the very first opportunity. He has accepted the facts of the case; he is a young offender of 25 years old and he has a girlfriend who is expecting a child of his. He is gainfully employed and that he guard the Rehabilitation Centre at North East Point.

- [2] Mr. Gabriel submitted that this case is not aggravated in nature given that the convict is a smoker of cannabis and that there were only 4 plants found at his mother's residence. Further, Mr. Gabriel said that he did not resist arrest and that the Court should be mindful to impose a small fine instead of a custodial sentence of imprisonment.
- [3] The Court, bearing in mind the plea in mitigation submitted by learned Counsel in the light of the facts of the case as put forward by Counsel for the Prosecution and admitted by the defendant will therefore imposed a fine of Rs 5, 000/- upon the convict. He has to pay this sum within two weeks from today otherwise he would undergo a term of imprisonment of one year. The accused is warned that the Court has been lenient with him given the mitigatory facts in his favour and the nature and circumstances of this case. And that if this offence is repeated the next one will be treated as aggravated in nature and no leniency will be preferred by the Court.
- [4] The Accused, having pleaded guilty and be convicted and sentenced, I will cancel the bail conditions that he was prior released upon

Signed, dated and delivered at Ile du Port on 5th February 2018.

R. Govinden, J
Judge of the Supreme Court