

**IN THE SUPREME COURT OF SEYCHELLES**

**Criminal Side: CO 03/2017**

**[2018] SCSC**

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**THE REPUBLIC**

versus

**DAVIS DODIN**

First Accused

**NELSON MARCELIN**

Second Accused

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Heard:

Counsel: Mr. G. Thatchett, Assistant Principal State Counsel for the Republic  
Mr.B. Julie for the first accused  
Ms. A. Madeleine for the second Accused

Delivered: 19 March 2018

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SENTENCE

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Vidot J

**[1]** The Accused were charged with and convicted of one count as follows;

**Statement of Offence**

Robbery with violence contrary to Section 280 of the Penal Code (Cap158) read with Section 23 of the Penal Code and punishable under Section 281 thereof.

### **Particulars of Offence**

Davis Dodin 35 years male unemployed of Glacis, Mahe, together with Nelson Marcelin, 32 years old casual labourer of Bougainville, Mahe, with common intention at around 21:50 hours of the 26<sup>th</sup> day of January 2017, at Union Vale, Mahe, robbed one Viral Dhanjee of SR1200/-, bottles of wine and rose sorbet squash worth SR800/-and at or immediately before the commission of such robbery, used and threatened violence against the said Viral Dhanjee, by threatening him with a knife.

- [2] In assessing the appropriate sentence to impose on the Accused I have given due and full consideration to submission of mitigation by Counsels for the Accused. I have also given due consideration to the Probation Report in respect of the both Accused. Probation report was requested in regards to the 2<sup>nd</sup> Accused, but the Court received reports for both. Counsels for the Accused had prayed Court to show leniency on their clients. Both Accused have 2 young children each. They are both in relationships. In mitigation Counsel for the 1<sup>st</sup> Accused submitted that his client is remorseful about the incident whilst I note that in the report he denies any involvement in the criminal act. I note that despite the second Accused being a 1<sup>st</sup> time offender he was an active participant in the crime and was continually urging the first Accused to harm the victim, Mr. Dhanjee. The first Accused is not a first time offender. He was convicted in Criminal case CR636/14 before Magistrate Court B. He was released from prison on 20<sup>th</sup> November 2016 I bear in mind that the Accused were armed with a knife when they committed the crime.
- [3] This Court has to be responsive to the outcry by the public who are urging for action to ensure their safety and security.
- [4] It is the duty of this Court to ensure that such audacious criminal behaviour does not take root as part of our culture. It cannot and should not. As a society we cannot condone such behaviour. More and more people are concerned not only for the safety of their property but that of their person and their family. We cannot have a society where people are scared in their own homes. A man's home should be a sanctuary of safety and love. We

cannot continue to have situations where citizens are forced to go to bed armed with machetes, clubs and other weapons next to their beds as ammunition towards their safety and that of their families.

[5] I have also considered that in meting out sentence, the Court has to bear in mind that classic principle of sentencing is deterrence, prevention, rehabilitation, reformation and retribution; see **Lawrence v Republic [1990]SLR 47**. I also bear in mind the principle of proportionality of sentence.

[6] Therefore I proceed to sentence the Accused as follows;

- i. The first Accused is sentenced to 15 years imprisonment
- ii. The second Accused is sentenced to 14 years imprisonment

[7] Time spent on remand shall be discounted from the sentence.

[8] The Accused may appeal against the judgment and sentence, if dissatisfied with the same, within 30 days from today

Signed, dated and delivered at Ile du Port on 19 March 2018

M Vidot  
**Judge of the Supreme Court**