

IN THE SUPREME COURT OF SEYCHELLES

Criminal Side: CO63/2013

[2018] SCSC

THE REPUBLIC

versus

CLAUDETTE BIJOUX

Accused

Heard: 22 March 2018
Counsel: Mr. Ananth Subramaniam, Assistant Principal State Counsel for the
Republic
Mr. Nichol Gabriel Attorney at Law for the accused
Delivered: 27 March 2018

SENTENCE

Burhan J

[1] The convict Claudette Bijoux has been convicted of the following Counts 1, 2, 3, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23 and 24 which are set out in detail below. I have considered the facts contained in the probation report, medical certificates and the submissions in mitigation made by Learned Counsel for the convict.

- [2] It could be gathered from the probation report called at the request of Learned Counsel for the convict, that the convict is married and has one child aged 22 years old. Another child has passed away 3 years ago. Her husband has been diagnosed with colon cancer and is undergoing treatment. At the time she was charged, she was working with the Seychelles Children Foundation at the President Village as a caretaker. She bases her innocence on her ignorance of the law. Having outlined all the difficulties faced by the convict, the probation report recommends deterrent punishment in the form of a minimum sentence.
- [3] The accused has complained of numerous ailments. On perusal of her medical certificates, it is apparent that convict is suffering from a hearing defect which could be improved with the use of bilateral hearing aids. It is also apparent that the convict is suffering from partial loss of her eyesight and is under investigation in respect of it. In the plea of mitigation, Learned Counsel for the convict has moved for a non-custodial term of imprisonment and stated that the convict was willing to pay the sum of money back in 6 months.
- [4] I have considered all the above circumstances and observe that the offence for which the convict has been found guilty of, attracts a maximum term of 3 years imprisonment. I have considered the modus operandi of the convict and note that not only has the convict falsely represented herself as a public officer but also proceeded to collect large sums of money from the victim concerned, which in the view of this Court, is an aggravating factor, that warrants a custodial term of imprisonment as recommended by the probation report. I also consider the recent case of **Republic v Flora Barrack SC Criminal Side CO 17/2017**, where the convict was found guilty of an offence of a similar nature namely stealing by servant and sentenced to a term of 3 years 6 months imprisonment. However I note the amount obtained under false pretence in this instant case is very much less. Having considered all the aforementioned facts, I proceed to sentence the convict Claudette Bijoux as follows:

[5] Count 1

Personating as public officer contrary to Section 100 (b) of the Penal Code and punishable of the same.

I proceed to sentence the convict to term of 15 months imprisonment and a fine of SR 10,000/= (ten thousand). In default of payment of payment a term of 3 months imprisonment to be imposed.

[6] Count 2

Obtaining goods by false pretence contrary to Section 297 of the Penal Code and punishable of the same.

I proceed to sentence the convict to term of 6 months imprisonment and a fine of SR 30,000/= (thirty thousand). In default of payment of fine the convict is to serve a term of 3 months imprisonment. In terms of section 151(1) (b) of the Criminal Procedure Code a sum of SR 25,000/= (twenty five thousand) to be paid to Mr. Alessandro Pagano as compensation from the said fine.

[7] Count 3

Obtaining goods by false pretence contrary to Section 297 of the Penal Code and punishable of the same.

I proceed to sentence the convict to term of 6 months imprisonment and a fine of SR 30,000/= (thirty thousand). In default of payment of fine the convict is to serve a term of 3 months imprisonment. In terms of section 151(1) (b) of the Criminal Procedure Code a sum of SR 25,000/= (twenty five thousand) to be paid to Mr. Alessandro Pagano as compensation from the said fine.

[8] Count 5

Obtaining goods by false pretence contrary to Section 297 of the Penal Code and punishable of the same.

I proceed to sentence the convict to term of 6 months imprisonment and a fine of SR 30,000/= (thirty thousand). In default of payment of fine the convict is to serve a term of 3 months imprisonment. In terms of section 151(1) (b) of the Criminal Procedure Code a sum of SR 25,000/= (twenty five thousand) to be paid to Mr. Alessandro Pagano as compensation from the said fine.

[9] Count 7

Obtaining goods by false pretence contrary to Section 297 of the Penal Code and punishable of the same.

I proceed to sentence the convict to term of 6 months imprisonment and a fine of SR 50,000/= (fifty thousand). In default of payment of fine the convict is to serve a term of 3 months imprisonment. In terms of section 151(1) (b) of the Criminal Procedure Code a sum of SR 45,000/= (forty five thousand) to be paid to Mr. Alessandro Pagano as compensation from the said fine.

[10] Count 8

Obtaining goods by false pretence contrary to Section 297 of the Penal Code and punishable of the same.

I proceed to sentence the convict to term of 6 months imprisonment and a fine of SR 30,000/= (thirty thousand). In default of payment of fine the convict is to serve a term of 3 months imprisonment. In terms of section 151(1) (b) of the Criminal Procedure Code a sum of SR 25,000/= (twenty five thousand) to be paid to Mr. Alessandro Pagano as compensation from the said fine.

[11] Count 9

Obtaining goods by false pretence contrary to Section 297 of the Penal Code and punishable of the same.

I proceed to sentence the convict to term of 6 months imprisonment and a fine of SR 30,000/= (thirty thousand). In default of payment of fine the convict is to serve a term of 3 months imprisonment. In terms of section 151(1) (b) of the Criminal Procedure Code a

sum of SR 25,000/= (twenty five thousand) to be paid to Mr. Alessandro Pagano as compensation from the said fine.

[12] Count 10

Obtaining goods by false pretence contrary to Section 297 of the Penal Code and punishable of the same.

I proceed to sentence the convict to term of 6 months imprisonment and a fine of SR 30,000/= (thirty thousand). In default of payment of fine the convict is to serve a term of 3 months imprisonment. In terms of section 151(1) (b) of the Criminal Procedure Code a sum of SR 25,000/= (twenty five thousand) to be paid to Mr. Alessandro Pagano as compensation from the said fine.

[13] Count 11

Obtaining goods by false pretence contrary to Section 297 of the Penal Code and punishable of the same.

I proceed to sentence the convict to term of 6 months imprisonment and a fine of SR 30,000/= (thirty thousand). In default of payment of fine the convict is to serve a term of 3 months imprisonment. In terms of section 151(1) (b) of the Criminal Procedure Code a sum of SR 25,000/= (twenty five thousand) to be paid to Mr. Alessandro Pagano as compensation from the said fine.

[14] Count 12

Obtaining goods by false pretence contrary to Section 297 of the Penal Code and punishable of the same.

I proceed to sentence the convict to term of 6 months imprisonment and a fine of SR 30,000/= (thirty thousand). In default of payment of fine the convict is to serve a term of 3 months imprisonment. In terms of section 151(1) (b) of the Criminal Procedure Code a sum of SR 25,000/= (twenty five thousand) to be paid to Mr. Alessandro Pagano as compensation from the said fine.

[15] Count 13

Obtaining goods by false pretence contrary to Section 297 of the Penal Code and punishable of the same.

I proceed to sentence the convict to term of 6 months imprisonment and a fine of SR 30,000/= (thirty thousand). In default of payment of fine the convict is to serve a term of 3 months imprisonment. In terms of section 151(1) (b) of the Criminal Procedure Code a sum of SR 25,000/= (twenty five thousand) to be paid to Mr. Alessandro Pagano as compensation from the said fine.

[16] Count 14

Obtaining goods by false pretence contrary to Section 297 of the Penal Code and punishable of the same.

I proceed to sentence the convict to term of 6 months imprisonment and a fine of SR 30,000/= (thirty thousand). In default of payment of fine the convict is to serve a term of 3 months imprisonment. In terms of section 151(1) (b) of the Criminal Procedure Code a sum of SR 25,000/= (twenty five thousand) to be paid to Mr. Alessandro Pagano as compensation from the said fine.

[17] Count 15

Obtaining goods by false pretence contrary to Section 297 of the Penal Code and punishable of the same.

I proceed to sentence the convict to term of 6 months imprisonment and a fine of SR 30,000/= (thirty thousand). In default of payment of fine the convict is to serve a term of 3 months imprisonment. In terms of section 151(1) (b) of the Criminal Procedure Code a sum of SR 25,000/= (twenty five thousand) to be paid to Mr. Alessandro Pagano as compensation from the said fine.

[18] Count 16

Obtaining goods by false pretence contrary to Section 297 of the Penal Code and punishable of the same.

I proceed to sentence the convict to term of 6 months imprisonment and a fine of SR 30,000/= (thirty thousand). In default of payment of fine the convict is to serve a term of 3 months imprisonment. In terms of section 151(1) (b) of the Criminal Procedure Code a sum of SR 25,000/= (twenty five thousand) to be paid to Mr. Alessandro Pagano as compensation from the said fine.

[19] Count 17

Obtaining goods by false pretence contrary to Section 297 of the Penal Code and punishable of the same.

I proceed to sentence the convict to term of 6 months imprisonment and a fine of SR 15,000/= (fifteen thousand). In default of payment of fine the convict is to serve a term of 3 months imprisonment. In terms of section 151(1) (b) of the Criminal Procedure Code a sum of SR 10,000/= (ten thousand) to be paid to Mr. Alessandro Pagano as compensation from the said fine.

[20] Count 18

Obtaining goods by false pretence contrary to Section 297 of the Penal Code and punishable of the same.

I proceed to sentence the convict to term of 6 months imprisonment and a fine of SR 25,000/= (twenty five thousand). In default of payment of fine the convict is to serve a term of 3 months imprisonment. In terms of section 151(1) (b) of the Criminal Procedure Code a sum of SR 20,000/= (twenty thousand) to be paid to Mr. Alessandro Pagano as compensation from the said fine.

[21] Count 19

Obtaining goods by false pretence contrary to Section 297 of the Penal Code and punishable of the same.

I proceed to sentence the convict to term of 6 months imprisonment and a fine of SR 15,000/= (fifteen thousand). In default of payment of fine the convict is to serve a term of 3 months imprisonment. In terms of section 151(1) (b) of the Criminal Procedure Code a sum of SR 10,000/= (ten thousand) to be paid to Mr. Alessandro Pagano as compensation from the said fine.

[22] Count 20

Obtaining goods by false pretence contrary to Section 297 of the Penal Code and punishable of the same.

I proceed to sentence the convict to term of 6 months imprisonment and a fine of SR 15,000/= (fifteen thousand). In default of payment of fine the convict is to serve a term of 3 months imprisonment. In terms of section 151(1) (b) of the Criminal Procedure Code a sum of SR 10,000/= (ten thousand) to be paid to Mr. Alessandro Pagano as compensation from the said fine.

[23] Count 21

Obtaining goods by false pretence contrary to Section 297 of the Penal Code and punishable of the same.

I proceed to sentence the convict to term of 6 months imprisonment and a fine of SR 15,000/= (fifteen thousand). In default of payment of fine the convict is to serve a term of 3 months imprisonment. In terms of section 151(1) (b) of the Criminal Procedure Code a sum of SR 10,000/= (ten thousand) to be paid to Mr. Alessandro Pagano as compensation from the said fine.

[24] Count 22

Obtaining goods by false pretence contrary to Section 297 of the Penal Code and punishable of the same.

I proceed to sentence the convict to term of 6 months imprisonment and a fine of SR 20,000/= (twenty thousand). In default of payment of fine the convict is to serve a term of 3 months imprisonment. In terms of section 151(1) (b) of the Criminal Procedure Code a

sum of SR 15,000/= (fifteen thousand) to be paid to Mr. Alessandro Pagano as compensation from the said fine.

[25] Count 23

Obtaining goods by false pretence contrary to Section 297 of the Penal Code and punishable of the same.

I proceed to sentence the convict to term of 6 months imprisonment and a fine of SR 10,000/ (ten thousand). In default of payment of fine the convict is to serve a term of 3 months imprisonment.

[26] Count 24

Stealing contrary to Section 260 read with Section 253(1) of the Penal Code and punishable under Section 260 of the Penal Code.

I proceed to sentence the convict to term of 15 months imprisonment and a fine of SR 10,000/= (ten thousand). In default of payment of fine the convict is to serve a term of 3 months imprisonment.

[27] I make order that the terms of 15 months imprisonment in Count 1 and 24 and 6 months imprisonment in all other Counts run concurrently. The convict will therefore serve a term of 15 months imprisonment.

[28] I further make order that the terms of 3 months imprisonment imposed in default of payment of each of the fines in Counts, 1, 2, 3, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23 and 24 run consecutively. Therefore failure of the convict to pay the total fine sum of SR 545,000.00 (five hundred and forty five thousand) will result in the convict serving an additional term of 5 years 6 months imprisonment. From the said sum a total sum of SR 420,000.00 (four hundred and twenty thousand) to be paid to the victim Alessandro Pagano as compensation.

[29] The convict is to be produced in Court on serving the 15 months imprisonment referred to in paragraph 27 herein, to be given time for the payment of fine and compensation totalling a sum of SR 545,000.00/=.

Signed, dated and delivered at Ile du Port on 27 March 2018

M Burhan
Judge of the Supreme Court