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**IN THE SUPREME COURT OF SEYCHELLES**

**Criminal Side: CO50/2016**

**[2018] SCSC329**

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**THE REPUBLIC**

versus

**BR**  
Accused

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Heard: 29 March 2018  
Counsel: Mrs. Lansinglu Rongmei, Assistant Principal State Counsel for the Republic  
Mr. Nichol Gabriel Attorney at Law for the accused  
Delivered: 4 April 2018

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**SENTENCE**

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**Burhan J**

- [1] The convict BR was convicted of the offence of manslaughter.
- [2] The particulars of the offence, indicate that the victim was a baby, 6 months old. At the request of the prosecution a probation report was called in respect of the convict. The probation report indicates that the convict aged 29 years has two children aged 7 years and 15 months. She is employed at present as a customs officer at the Seychelles Revenue Commission. She expressed her apologies through the probation officer to the parents and family of the victim for the loss of their son.

- [3] The mother of the victim on being interviewed by the probation officer has stated that she would have come to forgive the accused had she told her the truth and the occurrence that led to the death of her child. Learned counsel on behalf of the convict submitted that the convict was a first offender with a clean record. He stated that she had not killed the child but the child had died whilst in her care and she has expressed remorse about the incident. Further he stated the child had not died instantly but had been hospitalized and passed away after a period of 10 days.
- [4] Having considered the submissions of learned counsel in mitigation and the other circumstances before Court, it is apparent that the convict had not intentionally choked the child but the choking occurred as a result of her failure in her duty of care towards the 6 month old baby amounting to gross negligence as set out in the judgment. Her gross negligence resulted in the death of a 6 month old baby. I am therefore of the view that a custodial term of imprisonment must be imposed.
- [5] Having considered all the aforementioned facts, I proceed to sentence the convict to a term of 2 years imprisonment and a fine of SR 25,000/=. In default of payment of fine, the convict is to serve an additional term of 6 months imprisonment which would run consecutive to the 2 year term of imprisonment imposed herein.

Signed, dated and delivered at Ile du Port on 4 April 2018

M Burhan  
**Judge of the Supreme Court**