

IN THE SUPREME COURT OF SEYCHELLES

Criminal Side: CO26/2009

[2018] SCSC

659

THE REPUBLIC

versus

SHEILA LESTE

Accused

Heard:

Counsel: Mrs. Lansinglu, Assistant Principal State Counsel for the Republic
Mr. Camille for the Accused person

Delivered: 11 July 2018

SENTENCE

Robinson J

[1] Accused person was charged on 18 counts of obtaining money by false pretences contrary to section 297 of the Penal Code. Accused person pleaded not guilty to each count separately. This court convicted Accused person on counts 2, 3, 4, 5, 7, 8, 9, 10, 13, 16, 17 and 18. Accused person was acquitted on counts 1, 6, 11, 12, 14 and 15.

[2] Mr. Camille for Accused person came well prepared for mitigation of sentence. He referred this court to relevant provisions of the Criminal Procedure Code and the Penal Code in relation to sentence. In the main, he urged this court not to impose a custodial sentence on

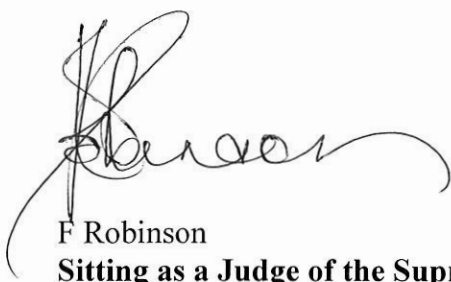
Accused person, who is a first offender. He also informed this court that Accused person should get a dispensation for the delay in completing this case.

- [3] According to the Probation Report, Accused person, who is 58 years old, has seven children. Accused person, through Mr. Camille, has stated that she is willing and will be able, with the help of her children, who are all in employment, to pay back any money fraudulently obtained from The Christian Fellowship of Seychelles, which is a registered body. Accused person defrauded The Christian Fellowship in the sum of 201,250.00/- rupees.
- [4] This court has considered the submissions of Mr. Camille in mitigation of sentence and the contents of the Probation Report. Accused person has served time on remand from the 21st July, 2009, to the 12th March, 2010. Section 297 of the Penal Code provides "*297. Any person who by any false pretence, and with intent to defraud obtains from any other person anything capable of being stolen, or induces any other person to deliver to any person anything capable of being stolen, is guilty of a misdemeanour, and is liable to imprisonment for three years.*".
- [5] In light of all the above, this court imposes a sentence of twelve months imprisonment on Accused person on counts 2, 3, 4, 5, 7, 8, 9, 10, 13, 16, 17 and 18. This court orders that the sentence of twelve months imprisonment so ordered for each count shall run concurrently. In view of the delay to complete this case and time spent on remand, this court orders that the sentence ordered to be served by Accused person shall not take effect, unless during a period of three years from the date of this sentence, Accused person commits in Seychelles another offence punishable with imprisonment. Thereafter a court having power to do so orders under section 283 of the Penal Code that the original sentence shall take effect.
- [6] In addition to this punishment, this court orders Accused person to compensate The Christian Fellowship of Seychelles in the sum of 201,250.00/- rupees. Accused person shall pay the said sum to The Christian Fellowship of Seychelles by or before 31 December, 2018.

[7] Before this court takes leave of this case, it makes order revoking the bail conditions imposed on Accused person. A copy of this judgment revoking the bail conditions shall be forwarded to the Commissioner of Police and the Director of Immigration, forthwith.

[8] This court orders accordingly.

Signed, dated and delivered at Ile du Port on 11 July 2018

A handwritten signature in black ink, appearing to read 'F Robinson', with a large, stylized flourish extending to the left.

F Robinson
Sitting as a Judge of the Supreme Court