

IN THE SUPREME COURT OF SEYCHELLES

Criminal Side: CO 31/2017

[2018] SCSC 719

THE REPUBLIC

versus

BRENDA FIGARO

Accused

Heard:

Counsel: Ms Rongmei, Assistant Principal State Counsel for the Republic
Mr Andre for the accused

Delivered: 26 July 2018

SENTENCE

Dodin J

[1] I have heard counsel in Mitigation. The convict is 45 years old, mother of 5 children, two are under age. She is a sole breadwinner as the father of her two young children has passed away. I know that in this case there was no weapon involved and no actual physical assault or use of force in case *CR 30 of 2017*. In *CR 31 of 2017* also similar, mostly words were used and the tugging of the bag which was eventually returned. I see that as a misguided attempt to help somebody but this should not be done when the NDEA is performing its duties.

- [2] In terms of Sentence I note that the provision of Section 16(6) was meant for really serious offences, not minor skirmishes like in this case. Last week there was a case of *The Republic v Theophane Figaro* and only a fine of SR2,000 was imposed also even if he was carrying a knife at the time. My view in the future is that these small cases should go before the Magistrate's Court and not before the Supreme Court.
- [3] In the circumstances of this case in *CR 30 of 2017*, I would also impose a fine of SR2,000 and in *CR 31 of 2017* also a fine of SR2,000. I would give the convict 6 months to pay the fine. In default, in each case she shall be committed for 6 months imprisonment.
- [4] She can appeal against the Sentences in either case within 30 working days.

Signed, dated and delivered at Ile du Port on 26 July 2018

G Dodin
Judge of the Supreme Court